

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17318 of 2020

Prakash

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Uthukottai, Tiruvallur District.
Crime No.7 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.7 of 2020 on the file of the respondent police pending investigation.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 of IPC, Section 4 of Dowry Prohibition Act 1961 and Section 4 of TN Prohibition of Harassment of Women Act 2002, in Crime No.7 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this Court had granted anticipatory bail to the petitioner in CrI.O.P.No.14441 of 2020 dated 17.09.2020 with some conditions. However, due to illness the petitioner was unable to appear before the concerned Court to execute the sureties. Therefore, the first anticipatory bail petition was lapsed.

3. The case of the prosecution as per the de-facto complainant Maragatham is that the petitioner conducted betrothal with her in the year 2017 and also printed invitation for conducting marriage on 11.11.2018. Thereafter, the petitioner married another girl. Hence, the complaint.

4. The learned Counsel for the petitioner would submit that the petitioner and the de-facto complainant belonging to the same community. When the marriage proposal was going on, the de-facto complainant came to know that the petitioner studied only up to 10th Standard and whereas, she has completed PG Degree, thereby the marriage was stopped. After three years, now marriage arrangement is made by the petitioner, the de-facto complainant gave a false complaint that the petitioner has married another girl. He would further submit that the petitioner is not married till date and this false complaint has been given only to extract money from the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner conducted betrothal with the de-facto complainant in the year 2017 and the invitation also printed for conducting marriage on 11.11.2018. But, the petitioner has now married another girl. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Uthukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHUKKOTTAI, THIRUVALLUR DISTRICT.

CC to M/S.V.BALAMURUGAN Advocate on payment of necessary charges

CRL OP.17318/2020

Date :05/11/2020

MK:20/11/2020