

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18783 of 2020

G.Sugumar

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.
(Crime No.14 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.14 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.C.Palanisamy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 506(1) of IPC and Section 4 of Dowry Prohibition Act 1961, in Crime No.14 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant-one Vasanthi, marriage between the petitioner and the de-facto complainant took place on 13.03.2019, for three months only the petitioner lived with the defacto complainant. Thereafter, the petitioner constantly harassed the defacto complainant by demanding additional dowry. The further allegation is that the petitioner/accused had illegal intimacy with another lady and further allegation is that on 28.08.2020 in the evening hours the petitioner/accused and his relatives had assaulted the defacto complainant and also demanded a car and 25 sovereigns of jewels. In continuation of that the defacto complainant was driven out of the matrimonial home.

3.The learned counsel for the Petitioner would submit that the petitioner is an innocent person and due to matrimonial dispute a false case has been foisted against the petitioner. He would submit

that the marriage between the petitioner and the de-facto complainant took place on 13.03.2019. The matrimonial life between the petitioner and the defacto complainant was not compatible and they do not have any issues. Further due to the harassment by the defacto complainant the petitioner had filed HMOP No.78 of 2020 on 31.08.2020 before the learned Sub-Sub Court, Harur for divorce and only after receipt of summon a false complaint has been given as against the petitioner. He would further submit that the date in the complaint is crucial as the defacto complainant had alleged that on 28.08.2020 in the evening hours the petitioner and his relatives assaulted her, whereas, the petitioner, was attending to his duty during the relevant period. The petitioner has also filed necessary proof for the same. The case has been foisted due to matrimonial dispute.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner is a police man and married the defacto complainant on 13.03.2019. The further allegation is that on 28.08.2020, the petitioner along with his relatives assaulted the defacto complainant and also demanded a car and 25 sovereigns of jewels and driven her out of the matrimonial home.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials filed along with the petition.

5.Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each 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 Judicial Magistrate Court, Harur, Dharmapuri, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] 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/-
08/12/2020

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,
HARUR, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

CC to M/S C.PALANISAMY Advocate on payment of necessary charges

CRL OP.18783/2020

Date :08/12/2020

TA-15/12/2020