

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19397 of 2020

Selvaraj

... Petitioner

Versus

The Inspector of Police,
All Women Police Station,
Ulunderpet,
Villupuram District.
(Crime No.2 of 2017)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in C.C.No.110 of 2018 on the file of the Judicial Magistrate No.I, Ulundurpet, Villupuram, in connection with Crime No.2 of 2017 on the file of the respondent police.

For Petitioner : Mr.T.S.Kani

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 apprehend arrest for the alleged offence under Sections 498(A), 294(b), 352 and 506(ii) of IPC, in C.C.No.110 of 2018 on the file of the Judicial Magistrate No.I, Ulundurpet, Villupuram, in Crime No. 2 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the marriage between the petitioner and the defacto complainant was solemnised on 04.11.2016 and on 05.11.2016, the petitioner demanded dowry from the father of the defacto complainant and a sum of Rs.1,50,000/- and other household articles were given. However, the petitioner and his family members demanded further amount as dowry and when it was refused by defacto complainant and her father, the defacto complainant was subjected to matrimonial cruelty. Hence, a complaint was given.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case due to matrimonial dispute. The Petitioner is a Hindu and the defacto complainant is a Christian. After marriage, due to matrimonial dispute, the petitioner and the defacto complainant were living separately. Presently, the petitioner is in abroad. Due to pandemic, he lost his employment and he is likely to come to India during December 2020 and he apprehends that the petitioner may be arrested by the respondent police in connection with this case. He would further submitted that the investigation has been completed. It is further submitted that the petitioner is prepared to co-operate with the trial in the criminal case. Hence, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent police submitted that the petitioner is on abroad and the defacto complainant couldn't serve summons to the petitioner. Thereafter, an absconding charge sheet has been filed against the petitioner. The allegation of the defacto complainant is that the petitioner demanded additional dowry. The petitioner could not be served with summons in the criminal case which was registered in the year 2017 and therefore, the case against the petitioner was taken up in C.C. No. 110 of 2018 on the file of the Additional Judicial Magistrate No.I, Ulundurpet. The learned Additional Public Prosecutor therefore vehemently opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the Learned Judicial Magistrate No.I, Ulundurpet, Villupuram District, on condition that the petitioner shall execute a separate 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 Additional Judicial Magistrate No.I, Ulundurpet, daily at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the Trial Court.

[c] the petitioner shall surrender the Passport before the concerned Court and the learned Trial Court Judge, shall return the Passport after completion of the Trial.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
10/12/2020

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 NO.I,
ULUNDURPET, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE ADDITIONAL JUDICIAL MAGISTRATE NO.I,
ULUNDURPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

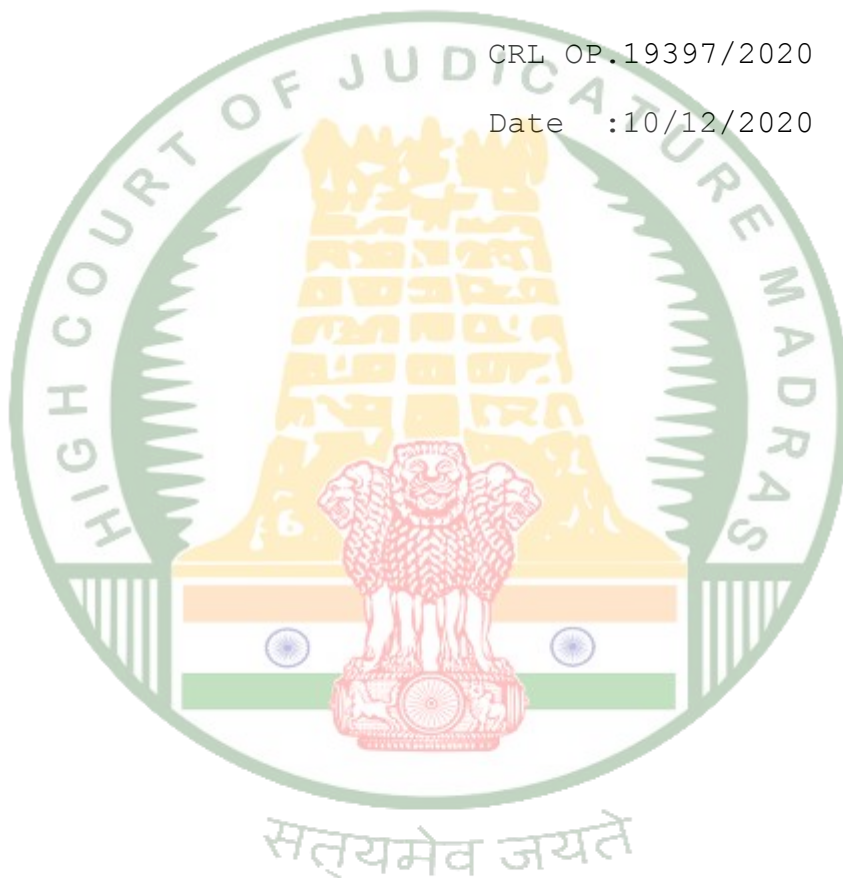
5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ULUNDERPET,
VILLUPURAM DISTRICT.

+1CC to M/S T.S.KANI Advocate on payment of necessary
charges SR NO.8114

CRL OP.19397/2020

Date :10/12/2020

MK:17/12/2020



WEB COPY