

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.33704 of 2019

R.DHAYENANDAN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM, SALEM DISTRICT.
CR.NO.08/2019.

For Petitioner : M/S.LAW VISION Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

For Intervener : MR.M.RAVINDHAR Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 498-A and 506(ii) of IPC in Crime No.08 of 2019** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalaiselvi is that, she got married to the 1st accused on 25.05.2018 and immediately after a week, the 1st accused and his parents started to demand dowry and committed cruelty on the defacto complainant. On 13.09.2018, the defacto complainant had gone to her parents house and that the accused persons have called her and stated that only if money is paid, she would be allowed to live with her husband. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is working as an Executive in L&T and he got employment in USA and that the petitioner wanted to take the defacto complainant with him. However, due to her medical condition, the 1st accused was unable to take her to

USA and thereafter matrimonial dispute arose between the parties following which, a false complaint has been foisted against the petitioner. He would further submit that an enquiry was conducted by the Social Welfare Officer and concluded that there is no demand on dowry. Further he would submit that this Court has also granted stay on all further proceedings in filing the quash petition. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that within a week from the date of marriage, the petitioner has started demanding money and that the parents of the petitioner have also assaulted the defacto complainant. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that as per the complaint, the petitioner who is the husband of the complainant and her in-laws have committed cruelty on the complainant. He would further submit that earlier when the matter was also referred to the mediation and conciliation centre attached to this Court. Hence he opposed for the grant of anticipatory bail to the petitioner.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.II, Salem 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

-sd/-

09/03/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE JUDICIAL MAGISTRATE,
COURT, NO.II, SALEM DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

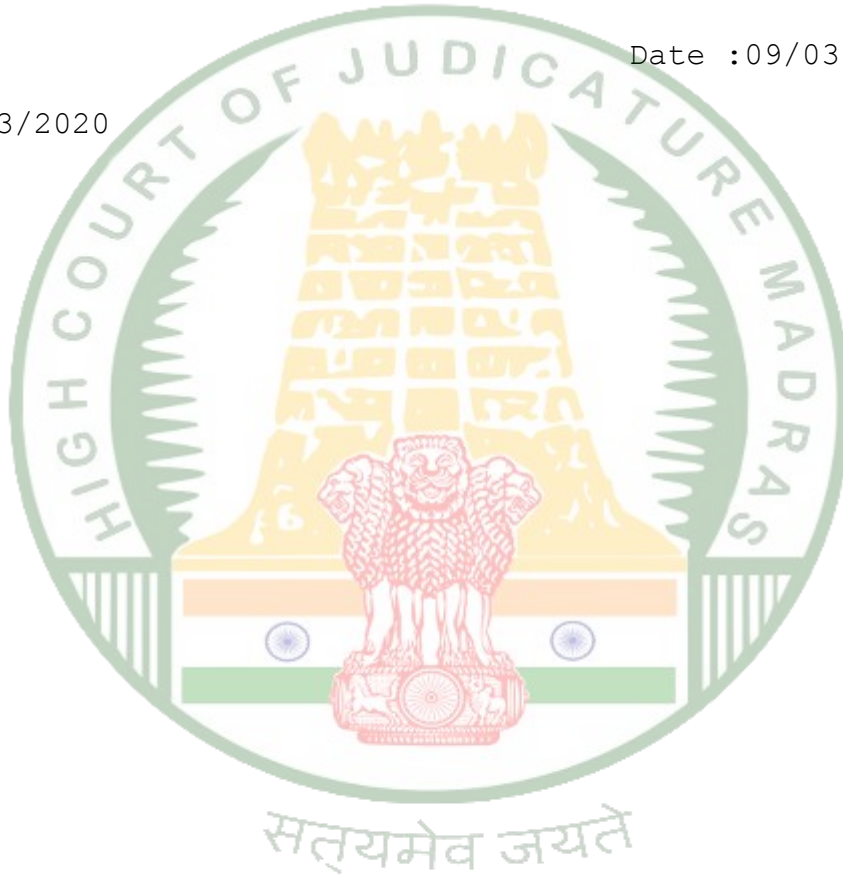
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM,
SALEM DISTRICT.

+1CC to M/S.LAW VISION Advocate on payment of
necessary charges SR.NO. 4631

CRL OP.33704/2019

Date :09/03/2020

RD 18/03/2020



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