

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.34031 of 2019

K.KALAIRASAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-18, MKB NAGAR, PULIANTHOPE,
CHENNAI. CR.NO.12/2019.

For Petitioner : M/S. D.MALARVIZHI Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S P.GUNARAJ 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), 406, 294(b), and 506(1) of IPC, in Crime No.12 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Hemavathy was married to the petitioner on 25.02.2018. The de-facto complainant and the petitioner are working as a software Engineer and that amount of Rs.50,000/- was transferred towards the dowry and an amount of Rs.11,00,000/- was spent for the marriage. Thereafter, the petitioner had demanded a car and thereby, the de-facto complainant had paid an advance amount of Rs.1,00,000/- and for the purchase of the car and that he used the car for 3 months. Subsequently, the petitioner/accused demanded a house and when she refused to give the same, the petitioner had harassed the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there was a matrimonial dispute between the petitioner and the de-facto complainant. He would further submit that a false case has been foisted against the petitioner. He would further submit that the matter was referred to the Mediation and Conciliation Centre and the petitioner agreed to return the car and money. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that the de-facto complainant's father had spent about Rs.11,00,000/- for the marriage and a further amount of Rs.50,000/- was paid as dowry and Rs.1,00,000/- was paid towards advance amount for purchase of a car. He would further submit that the petitioner had further demanded the house. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner and the de-facto complainant got married on 25.02.2018 and there was a matrimonial dispute between them. He would further submit that the petitioner had harassed the de-facto complainant demanding a house.

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

7. 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 is made ready, before the learned X Metropolitan Magistrate Court, Egmore, Chennai, on condition that 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 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 Aadhaar 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 for interrogation.

[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 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].

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

-sd/-

13/03/2020

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 X METROPOLITAN MAGISTRATE
COURT, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-18, MKB NAGAR, PULIANTHOPE,
CHENNAI.

CC to M/S. D.MALARVIZHI Advocate on payment of necessary charges sr.4987

CC to M/S. P.GUNARAJ Advocate on payment of necessary charges sr.4978

WEB COPY

CRL OP.34031/2019

Date :13/03/2020

RVR 24/03/2020