

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.635 of 2021

Sathish Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Vellore District.
(Crime No.19 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.19 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.Silambu Selvan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.12.2020 for the offences punishable under Sections 294(b), 354, 498(A), 506(i) of IPC r/w Section 4 of D.P Act, in Crime No.19 of 2020, seeks bail.

2. There are totally six accused in this case and the petitioner is A1. The case of the prosecution is that the petitioner is the husband of the de-facto complainant. The marriage between the petitioner and the de-facto complainant took place on 28.12.2018 and thereafter, the petitioner and other family members demanded dowry and harassed the de-facto complainant and also driven out her to the parental house. That apart, the petitioners are taking steps to conduct remarriage to the petitioner with another girl.

3. The learned counsel for the petitioner would submit that due to matrimonial dispute, the de-facto complainant left the

matrimonial home and went to her parental house and thereafter, lodged a false complaint against all the family members. He would further submit that the co-accused have been arrested and enlarged on bail. He would further submit that the petitioner is in judicial custody since 14.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the co-accused have already been arrested and enlarged on bail. She would further submit that investigation has been completed and final report has been filed on 26.12.2020.

5. Considering the above facts and circumstances and taking note of the fact that the petitioner is in judicial custody since 14.12.2020 and also the similarly placed co-accused have been enlarged on bail, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Additional Mahila Court, Vellore, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police, as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/01/2021

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,
ADDITIONAL MAHILA COURT, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges

WEB COPY CRL OP.635/2021
Date :20/01/2021

MN-21/01/2021