

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2318 of 2021

Senthilkumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station
Vellore District.
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No. 1 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Balaji

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A and 506(i) of I.P.C., in Crime No. 1 of 2021, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The petitioner is the husband of defacto complainant. The case of the prosecution is that the marriage took place in the year 2004 and they have also got a son. Thereafter, now, the petitioner and other family members said to have harassed the defacto complainant demanding dowry and the petitioner is also said to have taking steps to conduct second marriage. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed seeking for anticipatory bail.

3. The learned counsel appearing for the petitioner submitted that the defacto complainant separated from the petitioner

for five years and he is not having illegal intimacy with any girl. He would submit that the defacto complainant had only harassed the petitioner. He would submit that he is an innocent person and he is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that as the petitioner has demanded dowry, the criminal case has been registered against the petitioner. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the marriage between the petitioner and the defacto complainant taken place in the year 2004, the defacto complainant is separated for more than five years and after that, the present complaint has been filed. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Vellore on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

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

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

-sd/-
11/02/2021

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-IV,
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.

+1 CC to M/S.M.BALAJI Advocate on payment of necessary charges
SR NO. 1502

सत्यमेव जयते

CRL OP.2318/2021

Date :11/02/2021

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