

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 5479 of 2020

Mr. Aravind Subramanian ... Petitioner/Accused

-VS-

State Rep. by
The Inspector of Police,
W-24, All Women Police Station,
Tenampet,
Chennai. ... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in the event of arrest or surrender in W.24 Cr. No. 04 of 2020 on the file of the Respondent.

For Petitioner : Mr. M.Anandaraj

For Respondent : Mr. L.Charles Prem Kumar,
Government Advocate (Criminal Side)

ORDER
(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences publishable under Sections 406, 420 and 498-A of the

Indian Penal Code, 1860, in Crime No. 4 of 2020 on the file of the Respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the De-facto Complainant, viz., Jency Madhumidha, is that she is a resident of Dubai for the past 11 years and she got married during the year 2008 and her husband passed away. Thereafter, on the compulsion of her parents, she got married to the Petitioner/First Accused, viz., Aravind Subramanian, through Tamil Matromonial.com website and that it was represented that the First Accused was residing at Singapore and working as Business Analyst and completed M.B.A., at London and that he was earning 5,000 Singapore Dollar per month and that the marriage was registered on 18.01.2019 at SRO, T.Nagar under the Special Marriage Act, 1954. Thereafter, matrimonial life was started at Dubai and all the expenses of the family were borne by the De-facto Complainant and at the instance of the First Accused, she had spent an amount of Rs.10,69,750/- (Rupees Ten Lakh Sixty Nine Thousand and Seven Hundred and Fifty only) for purchase of a car and setting up a rental house at Dubai. Further allegation is that the First Accused and his parents demanded dowry and later, he deserted the De-facto Complainant and concealed her with the aid of his parents.

3. The Learned Counsel for the Petitioner would submit that the Petitioner is innocent and due to matrimonial dispute, a false complaint was given. He would further submit that this Court had referred the matter for mediation on 10.03.2020 and the mediation was conducted by the Mediation Centre during the period between 28.10.2020 and 04.12.2020. He would further submit that the parties have arrived at a settlement and that the parties have agreed to go for divorce. He would further submit that the parties have also stated that they have no claims against each other and the disputes between the parties have been amicable settled before the Mediation Centre. Hence, he prays for grant of anticipatory bail.

4. The Learned Government Advocate (Criminal Side) appearing for the Respondent would vehemently oppose stating that the allegation against the Petitioner is that he had made the De-facto Complainant to spend more than Rs.10,00,000/- (Rupees Ten Lakh only) for purchase of a car and setting up a matrimonial house at Dubai and he and his parents have also demanded dowry from the De-facto Complainant. He would further submit that the matter was referred to mediation and mediation has been conducted. He would further submit that subsequently, the Respondent also understands that mutual consent divorce was granted to the Petitioner and the De-facto Complainant by order

dated 18.12.2020 in O.P. No. 2722 of 2020 passed by the VI Additional Family Court at Chennai.

5. Heard the Learned Counsels.

6. Taking into consideration the facts and circumstances and that the matter has been settled before the Mediation Centre, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions:-

(a) the Petitioner is directed to be released on bail in the event of his arrest or on his appearance before the Learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, on condition that the Petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fiteen Thousand only) with one surety for the like sum to the satisfaction of the Police Officer who intends to arrest, within four (4) weeks from the date on which the copy of the order is made ready failing which, the petition for anticipatory bail shall stand dismissed automatically;

(b) the Petitioner and the surety shall affix their photographs and Left Thumb Impression in the surety bond and the Respondent/Police may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity;

(c) the Petitioner shall report before the Respondent Police as and when required.

(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 of India 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 229-A of the India Penal Code, 1860.

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

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Index: Yes/No

Internet: Yes/No

A.D. JAGADISH CHANDIRA, J.

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To

1. The Inspector of Police,
W-24, All Women Police Station,
Tenampet,
Chennai.
2. The XVIII Metropolitan Magistrate Court,
Saidapet,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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