

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6709 of 2021

K.SATHYASEELAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY.

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADIPAKKAM.
(CRIME NO. 19/2019)

For Petitioner : M/S.L.N.PRAGASAM Advocate

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

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498A, 406, 294(b), 352 and 506(ii) of IPC in Crime No.19 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the petitioner and the defacto complainant on 30.04.2017. Thereafter, the petitioner along with his parents said to have demanded dowry of Rs.50 lakhs and 20 sovereigns of gold ornaments as additional dowry and assaulted her and also driven to her parental home. Hence, the present complaint has been lodged before the law enforcing agency against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and no way connected with the offence as alleged. It is further stated that due to matrimonial dispute, the defacto complainant has filed HMOP No.182 of 2020 pending on the file of the Sub Court, Tambaram and in order to harass the petitioner, the present complaint has been lodged. Therefore, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is said to have demanded additional dowry from the defacto complainant and assaulted her and driven to her parental home. He further submitted that the investigation is pending.

5.Taking into consideration the facts and circumstances of the case and also there is a matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 II, Salem, 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 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 Court concerned 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 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]**; and;

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

-sd/-

08/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

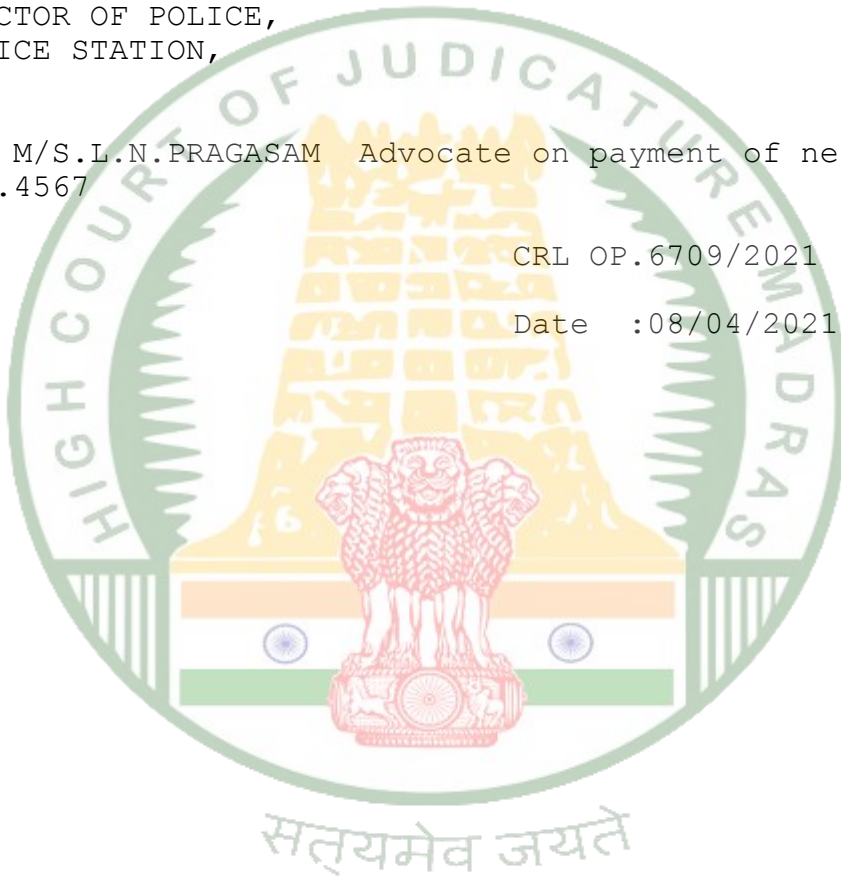
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADIPAKKAM.

+1 CC to M/S.L.N.PRAGASAM Advocate on payment of necessary
charges SR NO.4567

CRL OP.6709/2021

Date :08/04/2021

TA-17/04/2021



WEB COPY