

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12109 of 2021

G. Vinoth Kumar

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Sivakanchi, Police Station,
(Crime No.1595 of 2021)
Kancheepuram District.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with Crime No.1595 of 2021 on the file of respondent police.

For Petitioner : Mr.R. John Sathyan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 17.06.2021 and remanded to judicial custody for the offences under Sections 294(b), 506(i) of I.P.C r/w 66A of the Information Technology Act and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Crime No.1595 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the defacto complainant on 04.06.2018 and out of the wedlock a girl child was born to them. Thereafter the petitioner who being the husband of the defacto complainant used to send letter to the defacto complainant and her sister stating disgusting matter suspecting their characters and he had also sent text messages in an obscene manner to them through the phone number of his friend. It is alleged that the petitioner also attempted to murder the defacto complainant by strangling her neck by using a saree. Hence the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that there was only family dispute between the petitioner and the defacto complainant, due to which a false complaint has been lodged against the petitioner. He

further submits that the petitioner was in judicial custody from 17.06.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner attempted to murder the defacto complainant by strangling her neck by using a saree. Hence, he vehemently opposed for grant of bail to the petitioner. He further submits that the investigation is almost completed.

7. Considering the period of incarceration suffered by the petitioner and investigation is almost completed and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Sub Jail, Kancheepuram in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Kancheepuram.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(h) 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;

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

-sd/-
13/07/2021

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-I,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SIVAKANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

+1 CC to M/S.R.John Sathyan Advocate on payment of necessary charges
SR.NO. 7340

CRL OP.12109/2021

Date :13/07/2021

MN-14/07/2021