

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.17527 of 2020

Manikandan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Chemmancherry Police Station,
Crime No.63 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.63 of 2020, on the file of the Respondent police.

For Petitioners : Mr.K.Kaviarasu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 67 of IT Act and 509 IPC, in Crime No.63 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The petitioner is the sole accused. The allegation is that the petitioner is the husband of the de-facto complainant and is living separately and the petitioner is said to have send a message in obscene language and hence the complaint.

3.The learned counsel for the petitioner would submit that there is a matrimonial dispute between the petitioner and the de-facto complainant and in order to wreck vengeance, the present petition has been filed. Hence, he prays for anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner is husband who has harassed the de-facto complainant and sent her from matrimonial house and he has got all the certificates and jewels with him and not returned it. He would further submit that the petitioner has also sent a message abusing the de-facto complainant in social media.

5.The learned Additional Public Prosecutor produced the message sent by the petitioner. It is also stated that none of the certificates are available with the petitioner and now, the complainant is living in her parental house.

6.Considering the fact that it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Alandur, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
21/01/2021

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 II,
ALANDUR
- 2.THE CHIEF JUDICIAL MAGISTRATE,
KANCHEEPURAM DIST.[FOR INFORMATION]
- 3.THE INSPECTOR OF POLICE
CHEMMANCHERRY POLICE STATION.
- 4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.KAVIYARASU Advocate on payment of necessary charges

CRL OP.17527/2020

Date :21/01/2021

KSM02/02/2021