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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20343 of 2020

Murugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Virdhachalam,
Cuddaloare District.
Crime No.15 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 in Crime No.15 of 2020, on the file of the Respondent police.

For Petitioner : Mr.V.Kannadasan

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 Sections 498(A), 494, 294(b), 506(i) r/w 109 of IPC, in Crime No.15 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. There are totally six accused in this case and the petitioner is A1. The allegation is that the de-facto complainant is a divorcee, subsequently, the petitioner got married to her and thereafter, he went to Singapore for job and after came back to India, the petitioner and his family members demanded dowry and also harassed her. Hence, the complaint has been registered.



3. The learned counsel for the petitioner would submit that the defacto complainant after getting marriage with the petitioner, had illicit intimacy with her former husband and when it was questioned by the petitioner, a false case has been given against the petitioner. He would further submit that the co-accused have already been arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused harassed the de-facto complainant and also demanded dowry from her. Hence, the complaint has been given.

5. Considering the facts and circumstances of the case and also of the fact that the co-accused have already been arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, No.I, Virudhachalam, Cuddalore District, 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 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.

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-sd/-
11/01/2021

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,
NO.I, VIRUDHACHALAM,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM,
CUDDALORE DISTRICT.

+1 CC to M/S.V.KANNADASAN Advocate on payment of necessary charges
SR.No.412

CRL OP.20343/2020

Date :11/01/2021

cs 21/01/2021