

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.18394 of 2020

K.KALEESWARAN

[PETITIONER/ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH,
TIRUPPUR DISTRICT.
(CRIME NO.22 OF 2020)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.D.ASHOK KUMAR Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC, in Crime No.22 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was a married man. He divorce his wife and thereafter married the defacto complainat and was living with her for some time. Thereafter, he deserted the defacto complainant and started living with his divorced first wife. The allegation against the petitioner is that he had received a sum of Rs.5,00,000/- from the defacto complainant and paid Rs.3,00,000/- and the balance amount of Rs.2,00,000/- was not repaid by the petitioner. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are teachers. The present complaint has been filed to harass the petitioner. Earlier case filed by the defacto complainant in D.V.C.No.38 of 2019 on the file of the learned Judicial Magistrate No.I, Tiruppur was settled in

a compromise and she received Rs.3,00,000/- in the police station. Thereafter, she filed a suit to grab money from the petitioner in O.S.No.459 of 2015 on the file of the District Munsif, Tiruppur and the same was also entered into a compromise and got settled. Now, she filed the present complaint stating that the petitioner has deserted her and living separately and failed to repay the balance amount. The learned counsel further submitted that the petitioner did not indulged in any offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner after marrying the defacto complainant deserted her and started living separately with his first wife and failed to repay the amount.

5. A perusal of the records shows that there are many civil and criminal proceedings between the petitioner and the defacto complainant and some have ended in compromise. The latest complaint is that the petitioner deserted the defacto complainant and failed to repay the balance amount. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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 No.I, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioner shall appear before the respondent police as and when required for interrogation.

(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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/02/2021

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,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH,
TIRUPPUR.

+1 CC to M/S.D.ASHOK KUMAR Advocate on payment of necessary charges SR.NO.2283.

WEB COPY

CRL OP.18394/2020

Date :24/02/2021

EP-11/03/2021