



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19526 of 2021

Praveen @ Ramavath Praveen

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Uttukottai.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.13 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Ramesh kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.10.2021 for the offences under Sections 498(A), 494, 323, 109 and 506(i) of IPC and Section 4 of Prohibition of Harassment of Women Act 2002 in Cr.No.13 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant is the wife of the petitioner. The marriage between them was solemnized on 29.01.2016 and they begotten female child. Thereafter, his family members were harassing her by demanding more dowry and therefore, there was no compatibility between them and thereby, the defacto complainant left the company of her husband. Thereafter, the petitioner got married with another girl. Even then, the petitioner husband came to the house of the defacto complainant and threatened her with dire consequences. Hence, She lodged a complaint before the respondent Police.



3. The learned counsel for the petitioner invited the attention of this Court to the sentences in the First Information Report, which have been annexed in the petition for bail, wherein, the occurrences narrated are much prior to the date of complaint. The learned counsel for the petitioner submitted that the petitioner has been judicial custody from 03.10.2021 and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently objects to consider the bail stating that the investigation is still in the initial stage.

5. Considering the statement made by the learned counsel for the petitioner and the fact that the case arose between the husband and wife and, the submission of the learned Government Advocate is overruled, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be a blood relative of the Petitioner/accused, each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Uttukotai.

(b) While executing the bond, the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(c) the petitioner shall co-operate with the pending investigation and shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily at 10.00 a.m., until further orders and the petitioner shall not enter into the jurisdiction of the respondent police.

(d) the petitioner shall not influence, threaten or coerce the witnesses either during trial;

(e) the petitioner shall not abscond during trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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;



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

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-sd/-
12/10/2021

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,
UTTUKOTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTTUKOTTAI.

4 THE OFFICER INCHARGE
THE SUB JAIL, THIRUVALLUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.RAMESH KUMAR Advocate on payment of necessary charges SR.NO.11398

CRL OP.19526/2021

Date :12/10/2021

JPA 13/10/2021