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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23848 of 2021

Vivek Vimal Raj

... Petitioner

Vs.

The Inspector of Police (Crime)
All Women Police Station,
Thirupathur,
Thirupathur District.
(Crime No.14 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.14 of 2021 pending on the file of the respondent police.

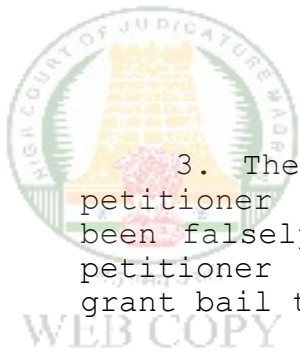
For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offences under **Sections 498(A), 323, 506(I) I.P.C and Section 4 of Dowry Prohibition Act**, in Crime No.14 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is A1. It is alleged that marriage of the petitioner of the petitioner and the defacto complainant was performed in the year 2014. Prior to that, the defacto complainant was a divorcee women employed at Railways. It is further alleged that the petitioner ill-treated the defacto complainant by demanding more dowry and threatened her with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submitted that the petitioner has been in jail from 09.11.2021. Hence, he prays for grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there was family dispute between the petitioner and defacto complainant. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and the investigation is almost completed and further it is purely a family dispute, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **Learned Judicial Magistrate No.I, Thirupathur**, and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Tuesday at 10.30.a.m., until further orders.

(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]**; and;



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

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-sd/-
09/12/2021

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,
THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPATHUR,
THIRUPATHUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges SR.NO.14370

CRL OP.23848/2021

Date :09/12/2021

TA-09/12/2021