



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.7460 of 2021

Sarath @ Sarath Kumar

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No.83 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

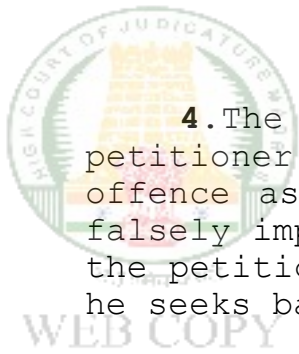
For Bail in Crime No.83 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The Criminal Original Petition has been filed to enlarge the petitioner on bail registered in Crime No.83 of 2021 for the offence under Section 174 Cr.P.C.,. @ 306 IPC.,

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The case of the prosecution is that the marriage between the petitioner and the defacto complainant's daughter took place in the year 2019 and thereafter, the petitioner at the instigation of the other accused had demanded dowry and also harassed the defacto complainant's daughter. Hence, the compliant.



4.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He would further submit that the petitioner is in judicial custody from 26.04.2021 and therefore, he seeks bail.

5. The learned Government Advocate(Crl.Side) would submit that this is the second bail petition and also submitted that the accused persons harassed the de-facto complainant's daughter by demanding more dowry. He further submitted that the investigation is also been completed.

6.Considering the above facts and the period of incarceration and also the fact that investigation is almost completed as stated by the learned Government Advocate and considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and 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 learned Judicial Magistrate, Aruppukottai.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii)the petitioner shall report before the respondent police on every Monday at. 10.30 a.m., for a period of one month and thereafter as and when required.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



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

sd/-
18/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE OFFICER INCHARGE
SUB JAIL, SIVAGANGAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7460 of 2021
Date : 18/06/2021

TTA
TK/PN/SAR.1/18.06.2021/3P/6C