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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14247 of 2022

Kumaresan

..Petitioner/A1

Vs.

State through
The Inspector of Police,
All Women East Police Station,
Coimbatore
crime No.17 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.17 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Navaneetha Krishnan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2022 for the offence punishable under Sections 406, 420, 495, 506(i) of IPC altered into Sections 406, 420, 498(A), 506(ii) of IPC in crime No.17 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner married the defacto complainant suppressing his earlier marriage and also misappropriated the articles and jewels of the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that now the petitioner is ready and willing to hand over all the jewels and household articles which were presented during the marriage, to the defacto complainant. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that suppressing the earlier marriage, the petitioner married the defacto complainant and misappropriated the jewels of the defacto complainant. When the same was questioned by the defacto complainant, she was threatened by the parents of the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are totally three accused, in which the petitioner is arrayed as A1, whereas A2 and A3 are parents of A1. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions. 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 blood related sureties, each for a like sum to the satisfaction of the Additional Mahila Court, Coimbatore and on further conditions 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 hand over all the jewels and household articles which were presented during the marriage, to the defacto complainant within a period of two weeks and produce the acknowledgment card before the respondent police, failing which the bail order shall stand automatically cancelled and the respondent police is directed to secure the petitioner and proceed in accordance with law.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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.

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-sd/-

21/06/2022

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 ADDITIONAL MAHILA COURT,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN EAST POLICE STATION,
COIMBATORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.NAVANEETHA KRISHNAN Advocate on payment of
necessary charges

CRL OP.14247/2022

Date :21/06/2022

CSK 22/06/2022