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Crl.O.P.No.20957 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.20957 of 2022

Dr.Sajith Ahamed

... Petitioner

Vs.

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

(Crime No.10 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.10
of 2022 pending investigation on the file of the respondent Police.

For Petitioner	:	Mr.I.Abdul Basith
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl.Side)
For Intervener	:	Mr.S.Shankar



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ORDER

The petitioner, who was arrested on 21.08.2022 and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 294(b), 498A, 506(i) r/w 34 IPC @ 294(b), 498(A), 324, 307, 406, 506 (ii) r/w 34 IPC, in Crime No.10 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the marriage between the de-facto complainant and the petitioner/accused was solemnized on 25.07.2021 and even prior to the marriage, the petitioner and his family members had demanded more than 100 sovereigns of jewels and rupees 2.5 crores and a car as dowry and the de-facto complainant's parents refused for the same, however on compulsion they heeded to the demand and after solemnization of marriage, the de-facto complainant handed over the jewels to the mother of the petitioner. On the third day after the marriage, when the de-facto complainant had driven the car along with the petitioner, the petitioner had abused the de-facto complainant and assaulted her for not driving the car properly. After that, on



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15.10.2021, the petitioner and his family members demanded the de-facto complainant for further amount of rupees 2.5 crores for the petitioner to pursue his higher study and also assaulted and kicked on her chest and caused injuries on her ribs, for which she had taken ayurvedic treatment and subsequently, she was continuously harassed by the petitioner and in order to save the marriage, she did not give the complaint. Even after all these events, the petitioner assaulted the de-facto complainant and compelled her to bring an amount of rupees 2.5 crores, due to which she left the matrimonial home. While so, the petitioner's friend called the de-facto complainant and informed that the petitioner had left a bag containing jewels and the de-facto complainant's father had received the same from her. Unable to bear the torture and harassment given by the petitioner, the de-facto complainant had given the present complaint.

3. The learned counsel appearing for the petitioner would submit that a case of matrimonial dispute has been exaggerated and a false complaint has been given against the petitioner. He would further submit that the de-facto complainant and the petitioner are Doctors by profession and if all it is true that the petitioner has assaulted the de-facto complainant on



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15.10.2021, there is no reason for her to give complainant after a period of one year on 18.07.2022. He would also submit that the petitioner went to Dubai and on his return, he was arrested at airport based on a Look Out Circular and the petitioner is in custody from 21.08.2022. He would further submit that the petitioner was taken into the police custody and he was brought to the Deputy Commissioner's office and during that time, the relatives of the de-facto complainant assaulted him in the presence of the Deputy Commissioner and the same was also reported to the learned Metropolitan Magistrate, when he was brought back. He would also submit that the de-facto complainant, who was taking treatment for her illness, had fabricated the medical records to falsely project that only due to the assault, she was taking treatment. The learned counsel would submit that the petitioner is ready to file an undertaking that he will not interfere in the life of the de-facto complainant any more. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner and the de-facto complainant are Doctors by profession and their marriage was solemnized on 25.07.2021. He would further submit that



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the petitioner within a few days of marriage had continuously harassed and caused physical cruelty on the de-facto complainant, due to which, she suffered grievous injuries in the rib and spinal cord and in order to save marriage, she did not give any complaint against the petitioner on earlier occasions. Hence, he oppose to grant bail to the petitioner.

5. The learned counsel for the Intervener would vehemently oppose to grant bail to the petitioner stating that the petitioner had behaved like a psycho and assaulted the de-facto complainant indiscriminately. He would further submit that though the petitioner had assaulted the de-facto complainant from the third day of their marriage, she did not give any complaint immediately only in order to save the marriage. He would also submit that even now the petitioner is threatening the de-facto complainant from prison by calling her in a mobile phone.

6. On 20.09.2022, this Court had directed the respondent to get the details with regard to the phone calls alleged to have made from the prison and the respondent has produced the CDR before this Court today. On perusal of the call details, it shows that the mobile phone has logged in two



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or three locations around the prison and with regard to the same, this Court enquired the respondent police whether any complaint has been given to the Prison Authority and in turn, the respondent submitted that so far no complaint has been preferred to the Prison Authorities. This Court does not want to make any observations with regard to the same, while deciding this bail application.

7. However, taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner , this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, Chennai**, and on further conditions that:



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[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 stay at Thiruvarur and report before the Inspector of Police, Thiruvarur Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

22.09.2022

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To

1. The XVI Metropolitan Magistrate,
Chennai.
2. The Inspector of Police,
All Women Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai
4. The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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