



Crl.OP.No.24375 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.OP.No.24375 of 2022

Krishnan

...Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Salem District.
(Crime No.10 of 2022)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with Crime No.10 of 2022 on the file of the Respondent Police.

For Petitioner :Mr.M.R.Jothimanian

For Respondent :Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Sections 494,



CrI.OP.No.24375 of 2022

498(A) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment against Women Act, 2002 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 there was a matrimonial dispute between her and her husband/ petitioner herein, who was suspecting her fidelity and he used to harass her. Later, the petitioner has married one Indumathi. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that he is an innocent person and he was no way connected with the alleged offence. He would further submit that the Petitioner is the husband of the *de-facto* complainant. There was a matrimonial dispute between them on account of *de-facto* complainant having affair with another person. As it was objected by the Petitioner/husband, a false complaint has been given against him. Hence, he prays to grant bail to the Petitioner.



CrI.OP.No.24375 of 2022

4.The learned Additional Public Prosecutor appearing for the Respondent would submit that there was a matrimonial dispute between the *de-facto* complainant and her husband/ petitioner herein, who was suspecting her fidelity and he used to harass her and later, he married one Indumathi. He would further submit that the bail application of the Petitioner was dismissed by the trial Court on 29.09.2022 and hence, he vehemently opposed for grant of bail to the Petitioner.

5. Considering the submission made by the learned Counsel for the Petitioner and vehement objections made by the learned Additional Public Prosecutor for the Respondent, this Court is inclined to grant bail to the Petitioner.

6. Accordingly, the Petitioner is ordered to be released on bail on 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.II, Mettur, Salem District. Further, one of the sureties shall be a blood relative.



CrI.OP.No.24375 of 2022

WEB COPY

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate No.II, Mettur, Salem District, obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer



Crl.OP.No.24375 of 2022

shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

vkrr

To

1. The Judicial Magistrate No.II, Mettur, Salem.
- 2.The Inspector of Police,
All Women Police Station,
Salem District.
- 3.The Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.24375 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

vkr/mpl

Crl.O.P.No.24375 of 2022

06.10.2022