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Crl.O.P.No.5447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.5447 of 2024

Arthi

... Petitioner

Vs.

1.Baskaran
2.The Inspector of Police,
AWPS Salem Town Police Station,
Salem.

(Crime No.4 of 2024)

... Respondents

PRAYER: Criminal Original Petition filed under Section 439(2) of Cr.P.C.,
praying to cancel the bail granted to the first respondent/accused by setting
aside the order dated 16.02.2024 passed in Crl.M.P.No.361 of 2024 passed
by the learned Additional Mahila Court/Judicial Magistrate, Salem.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petition has been filed seeking cancellation of bail granted to the first respondent by the learned Additional Mahila Court/Judicial Magistrate at Salem in Crl.M.P.No.361 of 2024 by order dated 16.02.2024. On a complaint given by the petitioner herein, the second respondent had registered FIR in Crime No.4 of 2024 under Sections 294(b) and 506(1) of IPC and Section 4 of TNPHW Act.

2.The grievance raised by learned counsel for the petitioner is that the learned Additional Mahila Court/Judicial Magistrate at Salem had granted bail to the first respondent within seven days of being taken into custody and thereafter, within a very short period, the condition imposed to appear before the respondent everyday had also been relaxed.

3.The learned counsel for the petitioner argued that the petitioner/defacto complainant had suffered at the hands of the respondent. She was a young widow and trusting the words of the petitioner, she had hoped that another life would be given to her, but unfortunately, the accused had committed the offences under Sections 294(b) and 506(1) of IPC and



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Section 4 of TNPHW Act.

4.The learned Government Advocate(Crl.Side) stated that the investigation had been completed and charge sheet would be filed very shortly. This would now indicate that the burden is on the petitioner herein to tender credible and admissible evidence during the course of trial.

5. The one guarantee which this Court must ensure is that the first respondent/accused does not abscond from the judicial process. An affidavit had been filed by the first respondent/accused, wherein he had stated as follows:

"9.I humbly submit that I am not holding work visa in USA and I have not filed Form W-2(Wage and Tax Statement) and Form-1099 for several years which are some of the essential income documents filed in USA.

10. I humbly submit and affirm that I came back to my home town as a permanent resident and I affirm that I wont fly to abroad anytime until the disposal of the above criminal proceedings. I further submit that in case of any emergency, only after seeking proper leave and permission of this Hon'ble Court, I will travel abroad."

6. A copy of additional original affidavit may be filed before the



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Judicial Magistrate/Additional Mahila Court, Salem and the learned Judicial Magistrate/Additional Mahila Court, Salem may also note that the accused therein, should not leave the country without permission from that particular Court. Placing that particular caveat on record, the petition seeking cancellation of bail dismissed.

8.I make it clear this Court had not examined any of the allegations on merits and it is for the learned Judicial Magistrate to address all those issues on analysis of the oral or documentary evidence produced by the prosecution.

21.03.2024

rjr



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C.V.KARTHIKEYAN, J.

rjr

To

- 1.The learned Additional Mahila Court/Judicial Magistrate, Salem.
- 2.The Inspector of Police,
AWPS Salem Town Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras.

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