



Crl.O.P.No.6177 of 2024

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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.6177 of 2024
and Crl.M.P.No.5212 of 2024

Kaviyarasan

..Petitioner

Vs.

State represented by
The Station House Officer,
All Women Police Station,
Chidambaram.
(Crime No.11 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.11 of 2024 pending on the file of the respondent Police.

For Petitioner : Mr.A.Sasikumar
For Intervenor : Mr.M.Mohamed Saifulla
For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)



Crl.O.P.No.6177 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2024 for the offences registered by the respondent Police under Sections 498(A), 294(b), 506(ii) IPC in Crime No.11 of 2024, seeks bail.

2.The marriage between the petitioner and the defacto complainant took place on 03.06.2011 and they have two young girl children. It is stated that the petitioner continued to harass the defacto complainant and demanded dowry.

3.It is stated that the petitioner is working as Health Inspector in Primary Health Centre, Mayiladuthurai which would imply that he is a public servant. He must realise that he should not carry out the threat of marrying again as that would directly affects the continuation as the Government servant. He would also not threaten the defacto complainant.

4.The learned Government Advocate (Crl.side) stated that the investigation has been completed and final report had been filed.

5.Heard the learned counsel for the intervenor.



6.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to 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 No.II, Chidambaram 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 report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] at the time of executing sureties, the petitioner shall file an affidavit of undertaking stating that he would not marry again and he would not threaten the defacto complainant.

[d] The petitioner must also deposit a sum of Rs.5,000/- (Rupees Five Thousand only) for each of the two children, ie., Rs.10,000/-, every month to the credit of Crime No.11 of 2024. On such deposit, the learned



Crl.O.P.No.6177 of 2024

Judicial Magistrate No.II, Chidambaram, may permit the defacto complainant to withdraw it for the benefit of the children. This should continue till the disposal of the case.

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

[f] 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.

8. Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is also ordered.

21.03.2024

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To

- 1.The Judicial Magistrate No.II, Chidambaram.
2. The Sub Jail, Chidambaram.
- 3.The Station House Officer,
All Women Police Station,
Chidambaram.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

vkr

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