

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.10965 AND 10966 of 2018

AND CRL.MP.NOS.7814 & 7815/2018

PAVITHRA

[PETITIONER / ACCUSED
IN CRL.OP.NO.10965/2018]

NAGARAJ

[PETITIONER / ACCUSED
IN CRL.OP.NO.10966/2018]

Vs

**[*] STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI, TIRUPPUR DISTRICT.
CR.NO.7 OF 2018.**

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.G.SUMATHY Advocate
[IN CRL.OP.NO.10965/2018]

For Petitioner : M/S.C.S.SARAVANAN Advocate
[IN CRL.OP.NO.10966/2018]

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.3 of 2018 registered by the respondent for the offences punishable under Sections 494, 109 and 506(i) of IPC.

2. The case of the prosecution as per the *defacto* complainant one Krishnaveni, wife of A1 is that the marriage between the *defacto* complainant and the first accused (petitioner in Crl.O.P.No.10966 of 2018) took place on 02.09.2011 and that they have a child. The further allegation is that while the first marriage was in subsistence, the first accused married the second accused (Petitioner in Crl.O.P.No.10965 of 2018) on 10.08.2017.

3. The learned counsel for the petitioners would submit that the marriage between the first accused and the *defacto* complainant took place on 02.09.2011 and that they have a child. She would submit

that the defacto complainant went for delivery to her mother's place during the year 2012 and thereafter, she did not return to the matrimonial home. She would submit that several steps were taken for their re-union, but she did not return to the home for the past six years and a false complaint has been given as if the petitioners have married. She would submit that the petitioners are known to each other, other than that they have no other relationship.

4. The learned Additional Public Prosecutor would submit that the first accused (petitioner in CrI.O.P.No10966 of 2018) got married the defacto complainant on 02.09.2011, while the earlier marriage was in subsistence, the petitioners have married.

5. Taking into consideration the submissions made by the learned counsel for both sides, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Tiruppur, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 10.30.am., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

-sd/-

13/06/2018

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.

[*]AMENDED AS PER THE ORDER OF THIS COURT DATED 13/06/2018 MADE IN CRL.MP.NOS.7814 & 7815/2018 IN CRL.OP.NOS.10965 AND 10966/2018

TO

1 THE JUDICIAL MAGISTRATE,
NO.III,TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

**[*]4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI,TIRUPPUR DISTRICT.
CR.NO.7 OF 2018.**

+1 CC to M/S.G.SUMATHY Advocate on payment of necessary charges
SR.NO. 10905

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary
charges SR.NO. 10905

CRL OP.10965 AND 10966/2018

AND CRL.MP.NOS.7814 & 7815/2018

Date :13/06/2018

RD 28/06/2018