

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of February Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.29762 of 2017

1 C.SINGARAM
2 S.SENTHAMARAI
3 LOGANATHAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE, AWPS,
POONAMALLEE, THIRUVALLUR DISTRICT.
CR.NO.23 OF 2017.

[RESPONDENT]

For Petitioner : M/S.V.R.APPASWAMEE Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 498 (A), 313, 406, 420, 506 (ii), 109 & 120 (B) of IPC in Crime No.23 of 2017 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant one Mrs.Geethapriya is that the marriage between defacto complainant one Devanathan took place in the year 2014. The further allegation is that the said Devanathan was married earlier and the said Devanathan suppressing the earlier marriage conducted the marriage with the defacto complainant.

4. The learned counsel for the petitioners would submit that the first accused in the case Devanathan and the defacto complainant got married during the year 2014 and they were living separately at Thiruporur and that due to matrimonial dispute between them the defacto complainant had filed divorce petition before the Family Court-II, Chennai. He also submitted that due to matrimonial dispute absolutely a false case has been foisted against the petitioner and the first accused. He would also submit that A1 in this case has been enlarged on bail by the lower court and that therefore, they may be granted anticipatory bail.

5. The learned Additional Public Prosecutor submitted that the suppressing the earlier marriage of the first accused the petitioner who are the parents and brothers of the first accused/Devanathan had conducted the marriage of the first accused with defacto complainant.

6. Taking into consideration, the facts of the case and the matrimonial dispute are pending between the parties and also taking into consideration the facts of the case and the submissions that in the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. (i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sriperumbudur within a period of 15 days from the date of receipt of a copy of this order, on each of them executing 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 Magistrate concerned.

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 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 229A IPC.

-sd/-
21/02/2018

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.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS, POONAMALLEE,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges in SR.NO. 3709

CRL OP.29762/2017

Date :21/02/2018

MLT-26/02/2018