

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18125 of 2018

1 PRAKASH
2 SUGUNA
3 UMA
4 HARISH
5 MONIKA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
OMERABAD, VELLORE DISTRICT.
CR.NO.87 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.DURAIMURUGAN 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 seek anticipatory bail in Crime No.87 of 2018 registered by the respondent police for the offences punishable under Sections 498-A, 147, 294(b), 323 of IPC r/w Section 4 of Women Harassment Act.

2.The case of the prosecution is that the defacto complainant is the second wife of the first petitioner, both have married during the year 2009. The further allegation is that they did not have issues out of the marriage, due to which, the first petitioner along with the other petitioners have abused her with filthy language and assaulted her.

3. The learned counsel for the petitioners would submit that earlier the petitioners were granted anticipatory bail by this Court by an order dated 10.04.2018 in CrI.O.P.No.10932 of 2018 to the condition that the petitioner should surrender before the learned Judicial Magistrate, Ambur, Vellore District, within a period of 15 days or else the order shall stand automatically cancelled. He would submit that since the earlier order has lapsed due to non surrender within 15 days, the present application is filed and would pray that the petitioners are prepared to abide by any condition and pay costs.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners were granted anticipatory bail on 10.04.2018, but, they have not appeared before the concerned Court, within a period of 15 days as granted by this Court. He would submit that the petitioners may be granted anticipatory bail on imposing some stringent conditions.

5. Taking into consideration the facts of the case and submissions made by both the counsel, this Court feels that anticipatory bail may be granted to the petitioners on imposing certain stringent conditions and costs.

6. Accordingly, the petitioners are ordered to be released on bail in the event of 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, Ambur, Vellore District, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] each of the petitioner shall pay cost of Rs.2,500/- (Rupees Two Thousand and Five hundred only) each to the concerned Taluk Legal Services Authorities.

[c] the petitioners shall report before the respondent police daily at 10.30.a.m. until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond 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 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]**.

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

-sd/-
19/07/2018

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,
AMBUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
OMERABAD, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY,
TALUK LEGAL SERVICES AUTHORITIES,
OMERABAD, VELLORE DISTRICT.

+1CC to M/S.M.DURAIMURUGAN Advocate on payment of necessary charges in SR.NO. 13491

CRL OP.18125/2018

Date :19/07/2018

MLT-27/07/2018