

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.13013 of 2019

1 R.RAJAVASANTHAN [PETITIONERS / ACCUSED]
2 K.RAJARAMAN
3 R.NAVANEETHAM

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADHA KOIL,
VILLUPURAM DISTRICT.
[*]CR.NO.258 OF 2019.

For Petitioner : M/S.K.SHANTHI Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl.Side)
[dated 15/05/2019]

MR.C.RAGHAVAN, Govt. Advocate (Crl. Side)
[dated 30/05/2019]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 506(ii) of IPC in Crime No.258 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner(A1), there was a matrimonial dispute and misunderstanding between the parties. Hence, the defacto complainant registered the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant residing in the same street in the same village. Now, there was some misunderstanding and the defacto complainant is living separately in her parents house and since there is a HMOP pending for trial for restitution of conjugal rights. Further, the learned counsel for the petitioners submitted that the complaint and FIR filed by the defacto complainant is false and hypothetical. Therefore, she prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (criminal side) would submit that HMOP is pending before Family Court.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The petitioners and the defacto complainant are directed to pursue the remedy before the family court. 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 on which the order copy made ready, before the learned Judicial Magistrate, Villupuram, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall report before the respondent police 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 229A IPC.

-sd/-
15/05/2019

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.

[*]Being Mentioned order as per order of this Court dated 30/05/2019 by The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

TO

1 THE JUDICIAL MAGISTRATE,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADHA KOIL,
VILLUPURAM DISTRICT.

CC to M/S.K.SHANTHI Advocate on payment of necessary charges

CRL OP.13013/2019

Date :15/05/2019

TA-22/05/2019

MK:04/06/2019