

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.869 of 2020

1 AUGUSTINE PAPPAIYA
2 FATHIMA MARY @ KALA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
W-30 ALL WOMEN POLICE STATION,
POONAMALLEE, THIRUVALLUR DISTRICT
CR.NO.30 OF 2019.

For Petitioner : M/S.MEERA GNANASEKAR Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S VIMAL B.CRIMSTON Advocate

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 alleged offence punishable under Sections 406, 498(A) and 506(i) of IPC, in Crime No.30 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the first petitioner herein and their marriage had taken place in the year 2017 and the first petitioner has barely lived with his wife for two months and left to Singapore with her jewellery and has not resumed to matrimony. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence alleged by the prosecution. He would further submit that the matter was referred to the Mediation and Conciliation Centre, attached to this Court. It has failed. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the de-facto complainant would submit that there is an apprehension of arrest for the petitioners who made attempted to return back to India but he is at Singapore.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners have filed an affidavit of undertaking states that they will appear before the trial Court on 12.08.2020.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 is made ready, before the learned Judicial Magistrate No.1, Poonamallee, on condition that each of the petitioners shall execute a separate own bond for a sum of Rs.10,000/- (Rupees ten thousand only) without sureties 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 shall report before the respondent police, as and when required for interrogation.

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

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

[d] 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].

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

-sd/-

10/03/2020

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,
NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-30 ALL WOMEN POLICE STATION,
POONAMALLEE, THIRUVALLUR DISTRICT

COPY TO:

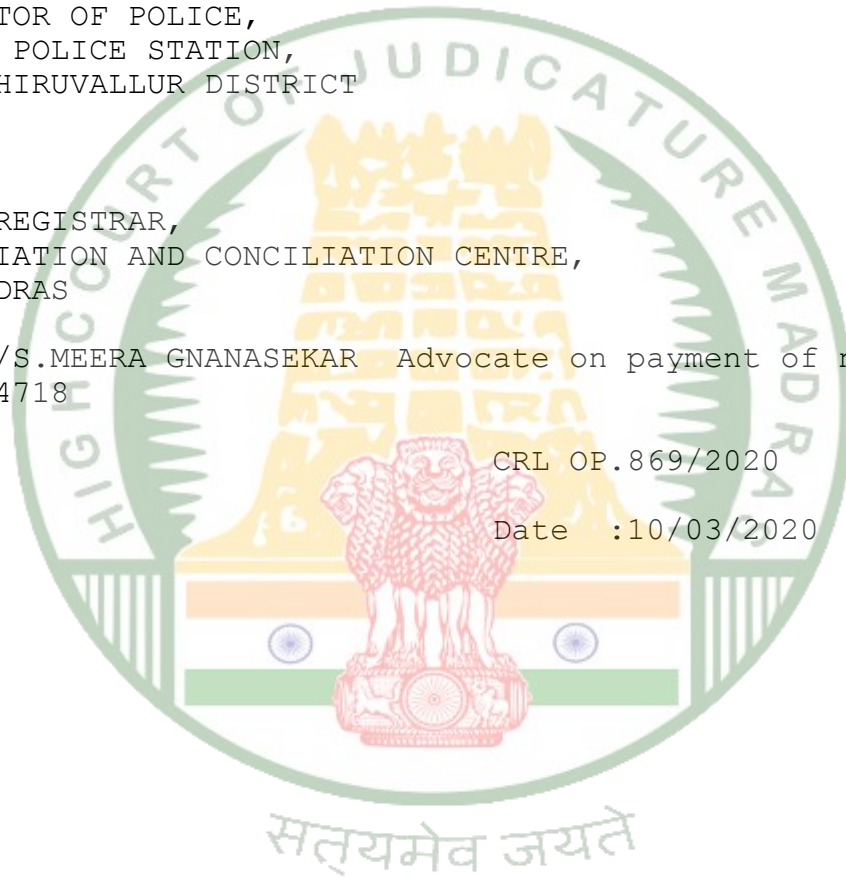
THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

+3 CC to M/S.MEERA GNANASEKAR Advocate on payment of necessary
charges SR.NO.4718

CRL OP.869/2020

Date :10/03/2020

RVR 18/03/2020



WEB COPY