

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5729 of 2020

NAGURAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.
CR.NO.5/2020.

For Petitioner : M/S.M.SUBASH Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 498(A), 294(b), 352, 506(i) IPC and section 4 of TN prohibition of Harassment of Women Act, 2002 in Crime No.5 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Bharathi Kannamma wife of Nagarajan who is arrayed as A1 is that she has married A1 on 03.04.2015 and while the marriage was in subsistence, A1 has married second accused in this case. A3 and A4 who are the parents of A2 have abused the defacto complainant and committed cruelty on her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the father of A2 who got married to A1. He would submit that they were not aware of the earlier marriage between A1 and the defacto complainant and that her daughter as that of the petitioner is a victim. Due to complaint given by the defacto complainant, a case has been registered. A2 is petitioner's daughter. Further the mother, daughter and the wife of the petitioner have been roped in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 in this case who is the husband of the defacto complainant, suppressing the earlier marriage, married the daughter of the petitioner. The first accused had affair with the daughter of the petitioner and abused the defacto complainant and her child and this petitioner also has committed cruelty on the defacto complainant. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case, this Court deems it appropriate to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruthuraipoondi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. Until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/03/2020

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,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR[FORINFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

+1 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO. 4966

CRL OP.5729/2020

Date :12/03/2020

RD 20/03/2020

WEB COPY