

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Criminal O.P. No. 5927 of 2020

and

Criminal M.P. No. 4048 of 2020

1.Sarathkumar
S/o.Late Sivaji Ganesan

2. Uma Bai
W/o.Late Sivaji Ganesan

Both are residing at
No.17/557A, Mariamman Koil Street
Fort, Vaniyambadi
Vellore District.

...Petitioners

State by Inspector of Police
All Women Police Station
Vaniyambadi
Vellore District.

Vs.

(Crime No.4 of 2020)

...Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge them on bail in the event of their arrest by the respondent police concerned in Crime No. 4 of 2020 on the file of Inspector of Police, All Women Police Station, Vaniyambadi, Vellore District on their appearance before the concerned court.

For Petitioners : Mr.K.Balu

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the response Police for the offences punishable under Sections 498(A) and 506(ii) of IPC in Crime No. 4 of 2020 on the file of Inspector of Police, All Women Police Station, Vaniyambadi, Vellore District, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the defacto complainant by name Ramya, who is the wife of the first petitioner herein, lodged a false complaint against the petitioners. It is purely a matrimonial dispute. However, the first petitioner took serious efforts for reunion with the help of friends and relatives of both sides and the same turned into futile. Further it is submitted that the first petitioner has filed

a divorce petition in H.M.O.P. No. 135 of 2019 on the file of the Family Court, Kancheepuram and also filed a G.W.O.P.No. 99 of 2019 seeking for custody of child and both cases are pending for trial.

3. It is seen that already matrimonial cases between the first petitioner and the defacto complainant are pending. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. 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, Vaniyambadi, on condition that the each of the petitioners shall execute separate 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 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 thereafter, 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 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 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/s, a fresh FIR can be registered under Section 229A IPC.

26.06.2020

Internet: Yes

Index : Yes/No

Speaking/Non speaking order

maya/lok

To

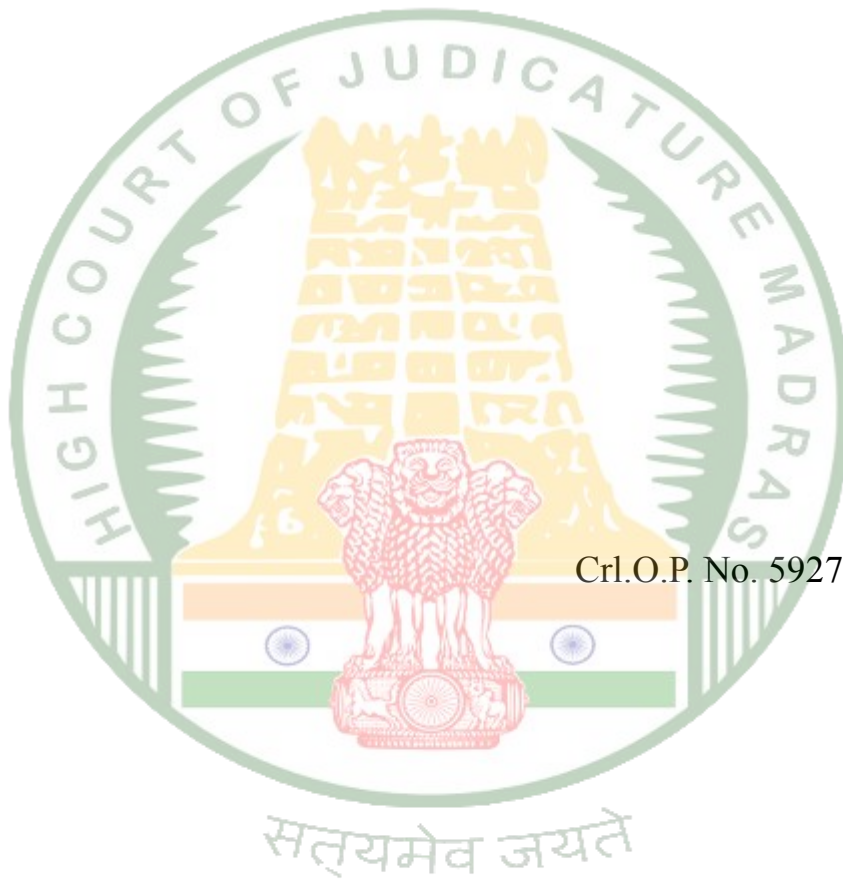
1. The learned Judicial Magistrate,
Vaniyambadi.
2. The Inspector of Police
All Women Police Station
Vaniyambadi
Vellore District.
3. The Public Prosecutor
High Court of Madras
Chennai.

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CrI.O.P. No. 5927 of 2020

G.K.ILANTHIRAIYAN. J.

maya/lok



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