

IN THE HIGH COURT OF JIUDICATURE AT MADRAS

DATED : 17.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.8819 of 2020

P.Dhineshkumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
Crime No.138 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.138 of 2020 pending investigation on the file of respondent police.

For Petitioner : Mr.R.Jayaprakash

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 465, 468 and 498 (A) of the Indian Penal Code, 1860, in Crime No.138 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the *de facto* complainant by using a forged certificate as if he has converted himself to Islam. There are totally seven accused persons in this case and the petitioner has been added as A1.

3.Learned Additional Public Prosecutor, on instructions, submitted that the petitioner used a forged certificate as if he converted himself to Islam and thereby, misled the *de facto* complainant and married her.

4.Learned counsel for the petitioner submitted that there was a registered marriage between the petitioner and the *de facto* complainant and there was no denial with regard to the fact that there was a marriage between the parties.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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, Tirukovilur on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 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, as and when required.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/06/2020

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,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUKOVILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

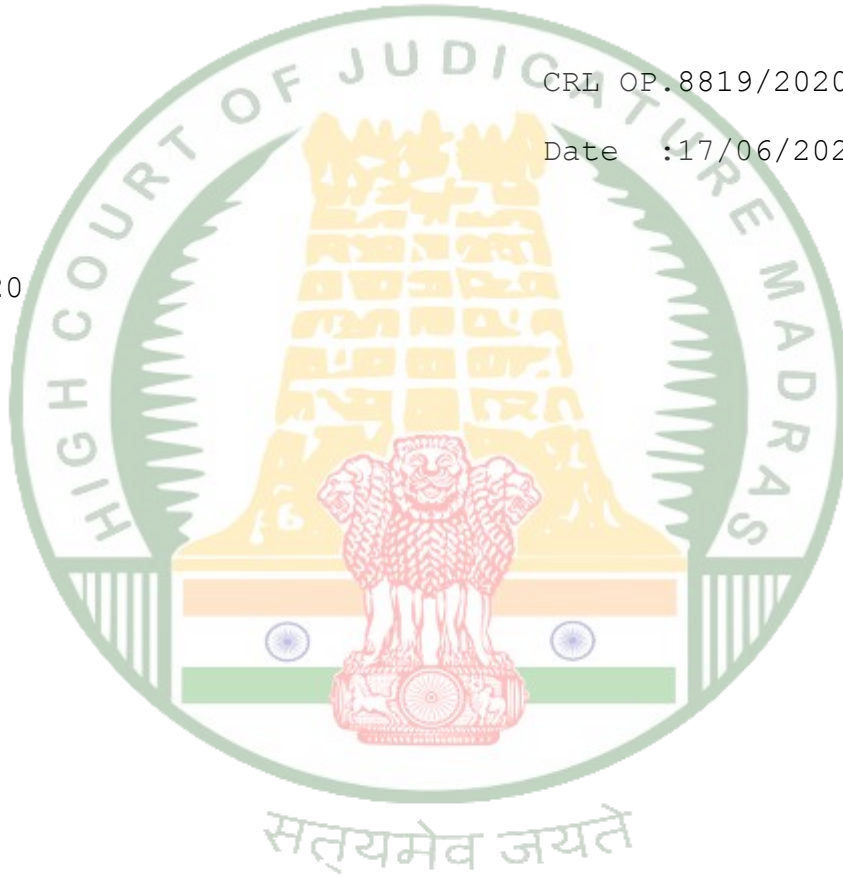
4 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges

CRL OP.8819/2020

Date :17/06/2020

TA-10/09/2020



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