

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9774 of 2020

Gowthami

... Petitioner

~Vs~

State rep. by its
Inspector of Police,
All Women Police Station
Vaniyampadi, Thirupathur District
(Crime No. 10/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.10 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Vinodh Kumar

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 494 and 506(i) of IPC, in Crime No.10/2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant fell in love with the first accused and they got married on 13.07.2012 and lived happily for one year and four months. Due to wedlock she also got pregnant. Thereafter, the first accused had gone to his parents house after assuring the defacto complainant that he will inform his parents and take her to their place. However, he did not return back and she had gone to her parents house. Meanwhile, the defacto complainant delivered a girl baby on 12.05.2014. Thereafter, she came to know that the first accused had married another girl viz., the petitioner herein. When the defacto complainant questioned the first accused about the same, he and his parents threatened her with dire consequences. Hence the compliant was lodged by the defacto complainant.

3. The learned counsel for the petitioner would submit that the first accused alone cheated the defacto complainant and insofar as the petitioner is concerned, she had no knowledge about the marriage between the defacto complainant and the first accused and she got married the first accused without knowledge of his earlier marriage. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the first accused married the petitioner, who arrayed as the second accused, suppressing his earlier marriage with the defacto complainant. Now, the defacto complainant also delivered a child and thereby the accused persons have cheated the defacto complainant. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that, admittedly the petitioner, who has been arrayed as the second accused, married the first accused without the knowledge of the first marriage between the defacto complainant and the first accused.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.3, Thirupathur, on condition that the petitioner shall execute a 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 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 for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/06/2020

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 NO.3,
THIRUPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VANIYAMPADI,
THIRUPATHUR DISTRICT,

CC to M/S G.VINODHKUMAR Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9774/2020

Date :30/06/2020

GKS (RVR) :17/08/2020

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