

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10734 of 2020

Thilagavathi

... Petitioner

Vs.

State rep. by its

...Respondent

The Inspector of Police,

AWPS Vaniyambadi,

Crime No.08 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on Anticipatory bail in the event of her arrest in Crime No.08 of 2020 on the file of the Inspector of Police AWPS Vaniyambadi/respondent police.

For Petitioner : M/s.T.Shanmugam

P.K.Harinath Babu

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through Video Conferencing)

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) IPC in Crime No.08 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 married the defacto complainant and further they had a quarrel due to which defacto complainant refused to stay with A1. The further allegation is that during the subsistence of the earlier marriage, A1 had married the petitioner and the petitioner, A1 and his parents have harassed the defacto complainant.

3. The learned Counsel for the petitioner states that the allegation against the petitioner is that A1 has married the present petitioner while the earlier marriage was in subsistence. The

petitioner was not aware of the alleged marriage between A1 and the defacto complainant and the petitioner, herself is a victim. He would further submit that the parents of A1 have been granted Anticipatory Bail by this Court in CrI.OP.No.10644 of 2020 on 16.07.2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that A1 was already married to the defacto complainant and he had married the petitioner while the earlier marriage was in subsistence. Thereafter, all the accused have harassed the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined 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 her appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate, Vaniyambadi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, 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 everyday at 10.30 am for a period of one week and thereafter, 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
20/07/2020

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS VANIYAMBADI.

CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.10734/2020

Date :20/07/2020

TA-14/08/2020

सत्यमेव जयते

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