

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 06.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11817 of 2020

1.Aarthi
2.Vedhavalli

... Petitioners

Vs.

State rep. by its
The Sub Inspector of Police,
All Women Police Station,
Jayankondam, Ariyalur.
Crime No.13 of 2020. Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.13 of 2020 on the file of the Sub Inspector of Police, All Women Police Station, Ariyalur.

For Petitioners: Mr.M.Selvam

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 498(A), 494, 294(b), 506(ii) IPC r/w.109 IPC in Crime No. 13 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Latha is that she married the first accused namely Jothi @ Jothi Mahalingam dated 09.09.2001. Thereafter, the first accused treated the defacto complainant as servant and harassed her. While so, on 24.05.2020, the defacto complainant was informed that her husband got married with the first petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they are falsely implicated in this case. He would submit that the defacto complainant suspected her husband that he had married the first petitioner and gave a false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the defacto complainant married the first accused in the year 2001, while the marriage was suspicion, A1 has married the first petitioner on 24.05.2020 with the help of the second petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, **within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier**, before the Judicial Magistrate-I, Jayakondam, Ariyalur District, on condition that the petitioner shall execute a 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 daily at 10.30 a.m., **for a period of two weeks and thereafter every monday at 10.30 a.m., until further orders.**

[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/ Trial Court 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/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.

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

-sd/-
06/08/2020

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-I,
JAYAKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR.

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

CRL OP.11817/2020

Date :06/08/2020

TA-21/08/2020

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