

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13924 of 2020

and

CrI.M.P.No.5471 of 2020

Podi pillai @ Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Tambaram, Chennai
(Crime No.12/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioner in connection with Crime No.12 of 2020 on the file of the respondent police.

For Petitioner : Mr.K. Thenrajan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 417, 498(a) and 506(i) of IPC in Cr.No.12 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant Vijayalakshmi is that she married the petitioner on 10.08.2016 and when they were living together as husband and wife, without her knowledge, the petitioner married another women and cheated her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the matter has been compromised between the parties and the parties are taking steps to file mutual consent petition. He would further submit that there was a matrimonial dispute between the petitioner and the defacto complainant, due to which a false complaint has been lodged against the petitioner. He would also submit that the petitioner has not performed any second marriage with another women as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner married the defacto complainant on 10.08.2016 and during the subsistence of the said marriage, the petitioner married another women and cheated her. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate No.I, Tambaram, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter every Monday, until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] 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. Consequently the connected miscellaneous petition is closed.

-sd/-

30/09/2020

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.I, TAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI

CC to M/S K.THENRAJAN Advocate on payment of necessary charges
Sr.6553

CRL OP.13924/2020

Date :30/09/2020

RVR 14/10/2020

सत्यमेव जयते

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