



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2020

CORAM :

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

Crl.O.P.Nos.14035 & 14066 of 2020

WEB COPY

Joseph Thilagaraj

.. Petitioner in Crl.O.P.No.14035/2020

1. G.Arulraj

2. Abilash

3. Stella Gracy

.. Petitioners in Crl.O.P.No.14066/2020

/versus/

State represented by
The Inspector of Police,
All Women Police Station
Poonamallee
(Crime No.24 of 2019)

.. Respondent in both Crl.O.Ps

Common Prayer: Criminal Original Petitions have been filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of their arrest in Crime No.24 of 2019 on the file of Respondent Police.

For Petitioner in both Crl.OPs : Mr.C.Punniakoti

For Respondent in both Crl.OPs : Mr.M.Mohamed Riyaz
Addl Public Prosecutor

C O M M O N O R D E R

(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, 323, 406, 495, 506 (i) of IPC and Section 4 of DP Act and Section 4 of TNPHW Act in Crime No.24 of 2019 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the de-facto complainant is that the marriage with the first accused had happened on 27.04.2011. At the time of marriage, jewels and cash was given to the first accused and later the defacto complainant came to know that the first accused is already a married man and when she questioned him, the other accused harassed and assaulted her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioner/first accused filed FCOP No.3231 of 2018 for restitution of conjugal rights before the learned Principal Sessions Judge, Family Court, Chennai. Earlier marriage was divorced on 31.08.2016 and thereafter the second marriage had happened. The defacto complainant has given the present false complaint as against the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant given cash and jewels and subsequently when the defacto complainant questioned about his earlier marriage, other accused have joined together harassed the defacto complainant.

5. Taking into consideration the facts and circumstances of the case and also the submission made by both the counsel and on a perusal of the FIR, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Poonamallee, on condition that each of the petitioners 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 petitioner in CrI.O.P.No.14035 of 2020 shall report before the respondent Police every day at 10.30 a.m., until further orders and the petitioners in CrI.O.P.No.14066 of 2020 shall report before the respondent police every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

10/09/2020

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,
POONAMALLEE.

2 THE PRINCIPAL SESSIONS JUDGE
FAMILY COURT, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI.

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

CRL Ops.14035 & 14066/2020

Date :10/09/2020