

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15178 of 2020

1.Kaviya
2.C.Soundarpandian
3.Shanthi

... Petitioners

Vs.

The Inspector of Police,
Kannankurichi Police Station,
Salem.
(Crime No.72 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.72 of 2020 on the file of the Inspector of Police, Kannankurichi Police Station, Salem or on his appearance before the Court.

For Petitioners : Mr.A.Murugavel

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 offences punishable under Sections 495, 494, 420, 294(b), 109 and 506(ii), in Crime No.72 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one viz., Aruna, is that she married the first accused one Dr.Chandran 13 years back and she had executed several documents and signed and handed over to him. Further, she had taken a loan of Rs.23,00,000/- on behalf of him. However, the first accused did not repay the loan amount and now she is facing all the financial problems. While so, when the marriage relation was in subsistence

with the de-facto complainant, the first accused married the fifth accused / the first petitioner herein, with the help of other accused. It is the further allegation that the first accused earlier married to one Kalaiselvi and later obtained divorce in HMOP.No.9 of 2015. 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. He would further submit that the first petitioner has been arrayed as fifth accused and the petitioners 2 and 3 are parents of the first petitioner. He would further submit that the first petitioner is a Veterinary Doctor and she knows only about the first accused's earlier marriage with one Kalaiselvi, which later got dissolved. The petitioners are innocent and they do not know that the first accused also married the de-facto complainant. He would further submit that the petitioners are law abiding citizens and they are ready to abide any stringent conditions that may be imposed. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that first accused viz., Dr.Chandran had married the de-facto complainant 13 years back and while that marriage was in subsistence, he married the first petitioner. Hence, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submit that the first petitioner is married to first accused and she is pregnant by four months.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners within certain conditions:

7. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their 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 IV, Salem, on condition that each 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 first petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and

thereafter as and when required for interrogation and the petitioners 2 and 3 shall report before the respondent police everyday 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/-

28/09/2020

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 IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM.

+1 CC to M/S.A.MURUGAVEL Advocate on payment of necessary charges SR.NO.6479

CRL OP.15178/2020

Date :28/09/2020

TA-08/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>