

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15614 of 2020

1. Mariyadoss
2. Flori

... Petitioner

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Tiruvannamalai District.
(Crime No.18 of 2020).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant an anticipatory bail to the petitioners in the event of his arrest in connection with Crime No.18 of 2020 on the file of the respondent.

For Petitioner : Mr.V.Prakash Babu

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 **294 (b), 494 & 506(i) IPC in Crime No.18 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Domin Sekar is that he is working as teacher and he got married to A1 during the year 2009 and that there was a matrimonial dispute between them. While earlier marriage was in subsistence, A1 had married one Thomas Leon and they have also begotten one boy child. when it was questioned by the defacto complainant, the petitioners had threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and parents of A1 Mariaya Clara and a false complaint has been given by her husband, based on which, he has filed IDOP.No.155/18 before Principal District

Court, Thanjavur. He would submit that the petitioners are prepared to appear before the respondent police. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the husband of A1. While the marriage was in subsistence, A1 had married A2 and they have begotten a child. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail, in the event of their arrest or on their appearance, **within a period of fifteen (15) days from the date on which the copy of this order is made ready, before the learned Judicial Magistrate No.I, Thanjavur,** on condition that the petitioners shall execute a separate 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:

[b] 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.**

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

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

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
05/10/2020

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,
THANJAVUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S. V.PRAKASH BABU, Advocate on payment of necessary charges SR.NO.6643

CRL OP.15614/2020

Date :05/10/2020

TA-14/10/2020

सत्यमेव जयते

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