

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15736 of 2020

J.B.J.Suriyan

... Petitioner/Accused no.1

-VS

State rep. by
The Inspector of Police,
All Women Police Station,
Tirupattur,
Tirupattur District.
(Crime No.12 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.12 of 2020 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 494, 506 (ii) of IPC in Crime No.12 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner (A1) and the de-facto complainant are husband and wife. The further allegation is that the petitioner (A1) has developed illegal intimacy with A2 and married her while the earlier marriage was in subsistence and harassed the de-facto complainant. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the marriage between the petitioner and the de-facto complainant took place before ten years ago. He would further submit that the de-facto complainant used to suspect the petitioner that he was having an illegal affair with A2 his colleague. He would further submit that the de-facto complainant has given a false complaint stating that she has been harassed by the petitioner, due to the aforesaid illegal intimacy and she has left the matrimonial home. He would further submit that the petitioner is prepared to appear before the respondent police and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the de-facto complainant are the husband and the wife. A1 developed illegal intimacy with his colleague A2 and has harassed the de-facto complainant. He opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there was a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, **within a period of fifteen days from the date of receipt of a copy of this order**, the petitioner 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 Judicial Magistrate - II, Tirupatthur**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] **the petitioner shall report before the respondent daily at 5.30 p.m. for a period of two weeks and thereafter on every Monday at 5.30 p.m. until further orders.**

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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

-sd/-

06/10/2020

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.II,
TIRUPATTHUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.6656

CRL OP.15736/2020

Date :06/10/2020

MK:15/10/2020