

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15711 of 2020

K. Thendral Priya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Tirupattur.
(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.Jayan

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 498(a), 494, & 506(ii) 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/Arumbu is that she married A1 and her husband/A1 has developed illegal intimacy with A2/petitioner herein and married her while the marriage was in subsistence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and colleague of A-1 and she has been falsely implicated in this case. He would further submit that the defacto complainant always suspected the petitioner as if she was having illegal intimacy with her husband and thereby, a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had illegal intimacy with A1 and thereby harassed the defacto complainant/wife of A1 and driven her to her parental house. Hence, he opposed to grant bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. 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 a copy of this order is made, before Judicial Magistrate-II, Tirupatthur, 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 at 10:30 a.m 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.

-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.

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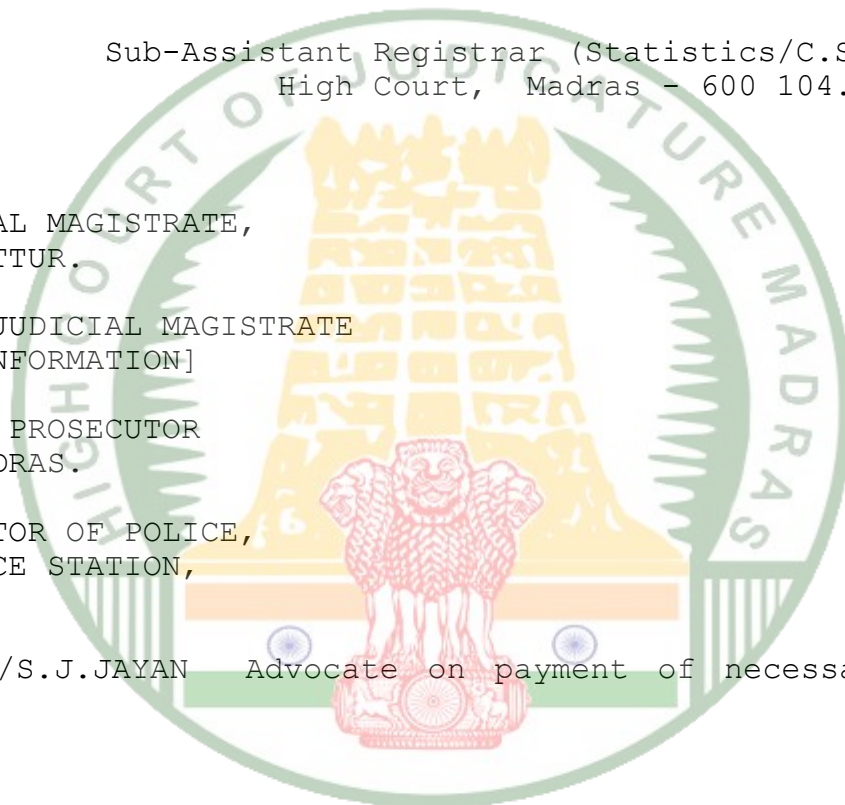
1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPATTUR.

+1 CC to M/S.J.JAYAN Advocate on payment of necessary charges
SR.No.6655



CRL OP.15711/2020

Date :06/10/2020

cs 14/10/2020

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