

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15897 of 2020

1.Vallarasu
2.Renuka
3.Prema

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Uthukottai, Tiruvallur
(Crime No. 9 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of being arrested in Crime No.9 of 2020, pending investigation on the file of the respondent police.

For Petitioners : M/s Dassandviswa Associates

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

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 143, 294(b), 498(a), 494, 506(i) IPC R/w Section 4 of Women Harassment Act, in Crime No.9 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that she got married to A1 and the petitioners who are the relatives of A1 had abused the defacto complainant and harassed her. The further allegation is that A1 suppressed the fact that he has already married the defacto complainant and performed second marriage with another women. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner are innocent persons and they have been falsely implicated in this case. He would further submit that the A1 has been released on bail and the petitioners are only relatives A1. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 married the defacto complainant and when the marriage was in subsistence he married another women and suppressing his earlier marriage. The petitioners are parents and relatives of A1 and they have harassed the defacto complainant. Hence he would oppose to grant anticipatory bail to the petitioner.

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 the copy of the order is made ready, before the Judicial Magistrate Court at Uthukottai, on condition that the petitioners 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 Judicial Magistrate concerned, 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 petitioners 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 am., 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/-

08/10/2020

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,
UTHUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHUKOTTAI, TIRUVALLUR.

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

CRL OP.15897/2020

Date :08/10/2020

RVR 19/10/2020

सत्यमेव जयते

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