

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18392 of 2020

1.S.SHANMUGA PRIYA

2.S.NANDHINI

3.Shakthivel

... Petitioners

Vs.

The State rep. By

The Inspector of Police

All Women Police Station

Villupuram

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.28 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Ramajayam

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 offences punishable under Sections 498A, 494 and 506(1) IPC read with Section 4 of Dowry Prohibition Act, 1961, in Crime No.28 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sigapriya is that the defacto complainant and the Al/Ajith Kumar fell in love with each other and they also had physical relationship due to which, the defacto complainant became pregnant. On coming to know about the pregnancy, Al started to sever her relationship. Thereby, she informed the same to her parents and on the advise of the Village elders, he married the defacto complainant on 21.10.2018. Thereafter, Al

which, he separated the defacto complainant and married some other girl. When it was questioned, A1 along with his family members abused her in filthy language. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this. He would submit that the petitioners are the sisters and father of A1 and that they have not committed any offence as alleged by the prosecution. He would further submit that A1/Ajith Kumar was arrested and subsequently, released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 is the husband of the defacto complainant and when the marriage was in subsistence, A1 has married another girl and that she is also in the advanced stage of pregnancy. Insofar the petitioners are concerned, they are the sisters and father of A1 and that they have also supported the 2nd marriage of A1 and also abused the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that A1 has been granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate-II, Thindivanam, Villupuram District, on condition that the 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 petitioners 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.

[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.

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

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/11/2020

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,
TINDIVANAM, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, सत्यमेव जयते
VILLUPURAM.

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

CRL OP.18392/2020

Date :23/11/2020

MK:02/12/2020