

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.18723 of 2020

1. Sathik Ali ...Petitioners
2. Mohamed Parmanulla
3. Kasara @ Hajaraammal
4. Fajiriya Sheik Dawoodu

Vs.

State Rep. by.Respondent
Inspector of Police.,
All Women Police Station,
Virdhachalam, Cuddalore District.
(Crime No.15 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.15 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Kalaichelvan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This 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 498(A), 494, 294(b), 506(1) r/w 109** of IPC in Crime No.15 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 / Murugan is the husband of the defacto complainant viz. Sasikala and they got married fifteen years back. A1 / Murugan without getting any legal separation from the Court of Law had married A2 viz. Rahmathunnisa in this case with the help of the petitioners herein, who are the family members of A2 / Rahmathunnisa. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners herein are only the family members of A2/ Rahmathunnisa

and they have nothing to do with the said offence. He would further submit that the marriage was not performed between A1 and A2, they are only living together and the complaint lodged by the defacto complainant is an imaginary one to cause harassment to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that A1 / Murugan is the husband of the defacto complainant viz. Sasikala. A1 without getting any legal separation from the defacto complainant from the Court of law, with the help of the petitioners herein, who are the family members of A2 / Rahmathunnisa had married A2. The family members of A2 have also encouraged the relationship of A1 and A2.

5.Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel and also considering the fact that the petitioners herein are only the family members of A2, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.Accordingly, the petitioners are directed to be released on bail in the event of their 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-I, Virudhachalam, Cuddalore District. on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate -I, Virudhachalam, Cuddalore District, 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 as and when required for interrogation.

[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.

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

-sd/-
30/11/2020

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.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRDACHALAM, CUDDALORE DISTRICT.

+1 CC to M/S.K.KALAICHELVAN Advocate on payment of necessary charges SR.NO.7831

CRL OP.18723/2020

सत्यमेव जयते Date :30/11/2020

TA-07/12/2020

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