



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7878 of 2020

1.S.Nandhakumar
2.Prameshwari

... Petitioners/Accused
1 and 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District.
Crime No.5 of 2020.

... Respondent/Complainant

For Petitioners : M/s.P.Kalaiyarasi Bharathi,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Cr.No.5 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 120 (b), 498(A), 494, 420 and 506(ii) of IPC, in Crime No.5 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the first wife of the first petitioner and the allegation is that the first petitioner got married her in the year 2008 and they have two children. Thereafter, the first petitioner harassed the defacto complainant and also having illegal intimacy with the second petitioner/A-4 and local mediation was conducted. Subsequently, it came to know that the first petitioner has got married the second petitioner/A-4 and the same was questioned by the defacto complainant, the first petitioner said to have assaulted and also criminally intimidated her. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the entire allegation is false. The first petitioner and the defacto complainant are living together, only due to some family dispute a false complaint has been given against the petitioner. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the allegations are very serious in nature and not only harassed the defacto complainant and also he got married with the second petitioner. He further submitted that investigation is still pending and the first petitioner is working as a Head Surveyor in the area, if he released on bail he will tamper the witness.

6. On perusal of the First Information Report, the allegation against the first petitioner is that he has assaulted the defacto complainant and also criminally intimidated. As submitted by the learned Government Advocate (criminal side) the first petitioner is working as Head Surveyor in the area, if he released on bail he will tamper the witness and investigation is still pending and hence, this Court is not inclined to grant anticipatory bail to the first petitioner and in so far as the second petitioner is concerned the only allegation is that she has got married with A-1 and hence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is dismissed as against the first petitioner and the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Thiruppathur, and on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the second 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 second petitioner shall report before the respondent police as on when required for interrogation.

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;



(d)the second 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]; and;

(f)if the accused/second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/08/2020

/ TRUE COPY /

/08/2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, THIRUPPATHUR.
- 2.DO THROUGHT THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7878 of 2020
Date :14/08/2020

KSA
TK/AKM/SAR.3/21.08.2020/3P/5C