



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

Date : 26/08/2020
PRESENT

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The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8943 of 2020

Vinotha

... Petitioner/7th Accused

Vs

The State rep. by
The Inspector of Police,
AWPS Pudukottai Police Station,
Pudukottai District.
Crime No 16 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.C.Maniyarasu,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 16 of 2019 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A7, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 498(A),
323 and 506(i) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that A1 in this case got
married to the defacto complainant and left Dubai for his work and
later married the petitioner 1 when the first marriage is in
subsistence.

4. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. He would also submit that A2 to A4 in this case were released
on bail by the Sessions Court.

5. The learned Additional Public Prosecutor would submit that
the petitioner herein married A1 when the first marriage of A1 is in
subsistence.



6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused namely A2 to A4 were released on bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Pudukottai on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 petitioner shall report before the respondent police as and when required for interrogation.

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

(d) the 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;

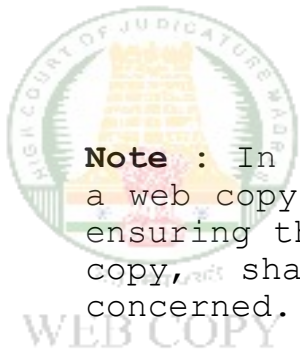
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/08/2020

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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 JUDGE,
ADDITIONAL MAHILA COURT,
PUDUKOTTAI.
2. THE INSPECTOR OF POLICE,
AWPS PUDUKOTTAI POLICE STATION,
PUDUKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8943 of 2020

Date :26/08/2020

AAV

SRS/ AKM/ SAR-III/ 28.08.2020/ 3P/4C