

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.540 of 2021

1. Perumal
2. Magendran
3. Jothi
4. Shanthi
5. A.Saroja
6. Meenakshi

... Petitioners

Vs.

The State rep. by
Inspector of Police,
All Women Police Station,
Ranipet, Vellore District.
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1 of 2021 pending on the file of the respondent.

For Petitioner : Mr.G.P.Sivakumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

सत्यमेव जयते

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 506(i) of I.P.C. r/w Section 4 of Women Harassment Act, in Crime No.1 of 2021 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of 1st petitioner and the marriage between them took place 7 years ago. Now, the petitioner has conducted second marriage. Hence, the complaint. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons and they are no way connected with the offence. He would also submit that 1st petitioner is husband, 2nd petitioner is father-in-law, 3rd petitioner is mother-in-law, 4th petitioner is sister-in-law and 5th and 6th petitioners are relatives. He would submit that the defacto complainant on suspicious manner has given the complaint that the 1st petitioner has arranged 2nd marriage with another woman. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent submitted that the 1st petitioner and the defacto complainant have got married 7 years ago and now, the 1st petitioner has got second marriage. He has further submitted that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that it is a family dispute between the husband and wife, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Pallipet, 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, 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

22/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PALLIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RANIPET, VELLORE DISTRICT.

+1 CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR.No.786

CRL OP.540/2021

Date :22/01/2021

cs 04/02/2021