

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.997 of 2021

S.Amuthavanan

... Petitioner

-Vs-

State Rep by
The Inspector of Police,
Odiamsalai Police Station,
Puducherry.
(Crime No.280/2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of arrest in Crime No.280 of 2020, pending investigation on the file of the respondent police.

For Petitioner: Mr. Manokaran, Sr. Counsel for
Mr. T.M. Naveen

For Respondent: Mr. S. Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 313, 376, 417, 493 and 494 of I.P.C. in Crime No.280 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are living together. The allegation is that the petitioner has suppressed the fact that he has already got married, and the divorce proceedings is pending between the petitioner and his first wife. Subsequently, the petitioner has also got married the defacto complainant on 10.08.2020. Thereafter only, the defacto complainant came to know that the petitioner has already got married and marriage is still subsisting and the divorce proceedings was also pending. Hence, the criminal case has been registered against him and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that he is an innocent person, and he has been falsely implicated in this case. He would submit that the divorce proceedings between the petitioner and his first wife is already pending and the matter has been compromised between them, today, a compromise memo was also filed before the Family Court. The Family Court is likely to pass orders granting divorce to the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the defacto complainant and the petitioner are living together as husband and wife and on verification, it was found that the petition for divorce has been listed before the learned Family Court for orders. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that it is a matrimonial dispute between the parties, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Chief Judicial Magistrate, Puducherry** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner shall appear before the respondent police as and when required for interrogation;

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

[e] the petitioner 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 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]**;

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

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

-sd/-
01/04/2021

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE INSPECTOR OF POLICE,
ODIANSALAI POLICE STATION, PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.997/2021

Date :01/04/2021

RG.04.05.2021

सत्यमेव जयते

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