

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1782 of 2021

1. Mani
2. Selvi
3. Saranya

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal Dt.
(Crime No.26 of 2021)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.26 of 2021 pending on the file of the respondent.

For Petitioners : Mr.C.S.Saravanan

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

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A2 to A4. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 494, 120-b, 294(b), 506(ii) of I.P.C. r/w Section 4 of Women Harassment Act, 2002 in Crime No.26 of 2021 on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the 1st and 2nd petitioners are father and mother of alleged second wife, 3rd petitioner herein. A1 in this case is the husband of defacto complainant. When the first marriage is subsisting, he has got married another woman. When the

defacto complainant questioned it, all the petitioners said to have criminally intimidated her. In the said circumstances, the criminal case has been registered against them and now, apprehending arrest, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that due to a family dispute, there was a quarrel between the parties. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the 1st and 2nd petitioners are father and mother of alleged second wife, 3rd petitioner herein. He would submit that A1 in this case is the husband of defacto complainant and when the defacto complainant questioned the 2nd marriage of A1, all the petitioners have criminally intimidated her, as a result of which, there was a quarrel between them. He would submit that A1, the main accused was arrested and released on bail and now the investigation is also completed. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the fact that on the date of occurrence, due to a family dispute, there was a wordy quarrel between the parties, thereby the petitioners have attacked the defacto complainant, the main allegation is only against A1 and now, A1 was arrested and released on bail and investigation is also completed, this Court is inclined to grant anticipatory bail to the petitioner, 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 Judicial Magistrate, Tiruchengode, 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/-
05/02/2021

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 JUDICIAL MAGISTRATE,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUCHENGODU RURAL POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.1782/2021

Date :05/02/2021

cs 12/02/2021



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