

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.3042 of 2021

Baby Shalini
Petitioner

...

Vs.

State represented by
Respondent
Inspector of Police,
AWPS Coonoor,
(Crime No.3 of 2019)

...

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.3 of 2019 on the file of the respondent police.

For Petitioner : Mr.S. Shankar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 494 and 498(A) of I.P.C, in Crime No.3 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 married the defacto complainant in the year 2019, out the wedlock they have 2 children. It is alleged the A1 along with this petitioner harassed the defacto complainant demanding dowry. Thereafter, during the subsistence of the first marriage, A1 married another women in the presence of the petitioner who is the sister of A1 and other family members. Hence, the complainant.

3. The learned counsel appearing for the petitioner would submit that due to family dispute the defacto complainant left the matrimonial home and living in her parental home with two children. The defacto complaint has given a false complaint

against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor opposed the Anticipatory bail application stating that the petitioner assisted A1 to perform second marriage with another women, while the first marriage is subsisting. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration, the facts and circumstances of the case and the main allegation is only against A1, and the petitioner is his sister and no serious allegation is made against her, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Coonoor on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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]

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

-sd/-

18/02/2021

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,
COONOOR.

2 THE CHIEF JUDICIAL MAGISTRATE,
NILGIRIS [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COONOOR.

+1 CC to M/S.S.SHANKAR Advocate on payment of necessary charges SR NO. 1881

सत्यमेव जयते

CRL OP.3042/2021

Date :18/02/2021

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MN-02/03/2021