

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3951 of 2021

1 M.D.JAYARAJ
2 S.JANAKI
3 D.PUSHPA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
DHARAPURAM ALL WOMEN POLICE STATION,
DHARAPURAM, TIRUPUR DISTRICT.
CRIME NO.3 OF 2021

For Petitioner : M/S.M.SELVALINGAM Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Sections 494 and 498(A) of IPC, in Crime No.3 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The allegation is that the first petitioner married the defacto complainant in the year 2015 and due to the wedlock they have one male child aged 5 years. Subsequently the first petitioner said to have married second petitioner and it was supported by the mother-in-law of the defacto complainant/third petitioner herein. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to some family dispute the defacto complainant had given a false complainant against the petitioners. He would further submit that the first petitioner did not commit any offence as alleged by the prosecution.

4. The learned additional public prosecutor would submit that the the first petitioner married another women when the first marriage is subsisting and cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the occurrence had taken place due to family dispute and there is no allegation of any dowry demand, that apart there is no serious allegation of harrasment against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. 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 on which the order copy made ready, before the learned District Munsiff cum Judicial Magistrate, Dharapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

With the above directions this criminal original petition is ordered.

-sd/-
08/03/2021

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, DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DHARAPURAM ALL WOMEN POLICE STATION,
DHARAPURAM, TIRUPUR DISTRICT.

+2 CC to M/S.M.SELVALINGAM Advocate on payment of necessary charges SR.No.3090

CRL OP.3951/2021

Date :08/03/2021

cs 15/03/2021

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