

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5754 of 2021

1 RAJU @ RAJU NATARAJAN [PETITIONERS / ACCUSED]
2 VIJI @ VIJI NATARAJAN
3 CHOZHARAJAN @ SOLARAJAN MANI

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
PERAMBUR, NAGAPATTINAM.
CRIME NO.207 OF 2021.

For Petitioner : M/S.B.KARTHIKEYAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners are A1 to A3. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 352, 506(i) and 494 of IPC in Crime No.207 of 2021, on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the first petitioner. The second and third petitioners are the sister and brother-in-law of the first petitioner. The first petitioner and the defacto complainant were married in the year 2017. Both of them were working as teacher. Thereafter, due to some family dispute, the first petitioner filed HMOP No.219 of 2018 seeking divorce and the same is pending. In the meantime, pending above application, the first petitioner with the help of A2 and A3 got married to some other girl. Hence the defacto complainant filed a complaint against the petitioners before the respondent police.

3. The learned counsel appearing for the petitioners submitted that after getting ex parte decree in HMOP only the first petitioner got married and they are also having children. The present complaint has been filed only to harass the first petitioner. The 2nd and 3rd petitioners are the sister and brother-in-law of the first petitioner 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 appearing for the respondent would submit that the investigation is still pending.

5. Considering the facts and circumstances of the case, and the fact that only after the ex parte order has been passed in the divorce petition, A1 has married another girl and there is no serious allegation against A2 and A3, 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 Judicial Magistrate, Tharangampadi, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed 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.

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

-sd/-
24/03/2021

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 JUDICIAL MAGISTRATE,
THARANGAMPADI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
PERAMBUR, NAGAPATTINAM.

CC to M/S.B.KARTHIKEYAN Advocate on payment of necessary charges

CRL OP.5754/2021

Date :24/03/2021

MK:27/04/2021

WEB COPY