

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.6337 of 2020

1. Rekha
2. K.Raja

... Petitioners

Vs.

The State Represented by :-

Inspector of Police,
D-3, Kanakamma Chathiram Police Station,
Tiruvallur District.
(Crime No.114 of of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.114 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.K.Murugan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 323, 506(i) and 494 of IPC in Cr.No.114 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant got married in the year 2018 and had three children. Due to difference of opinion arose between the couple, they lived separately and the first petitioner has illicit relationship with the second petitioner and threatened the defacto complainant with dire consequences. Hence, the defacto complainant has lodged a complaint against her husband before the respondent police.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent and the first petitioner had filed a petition for divorce in the year 2017 and the same was pending. The petitioners are business partners only. Due to previous dispute, a false case has been foisted against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that in an earlier occasion, this Court has directed the parties to attend the mediation. However, the same was failed.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tiruttani, on condition that the petitioners shall execute separate 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. For a period of two weeks and thereafter, 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

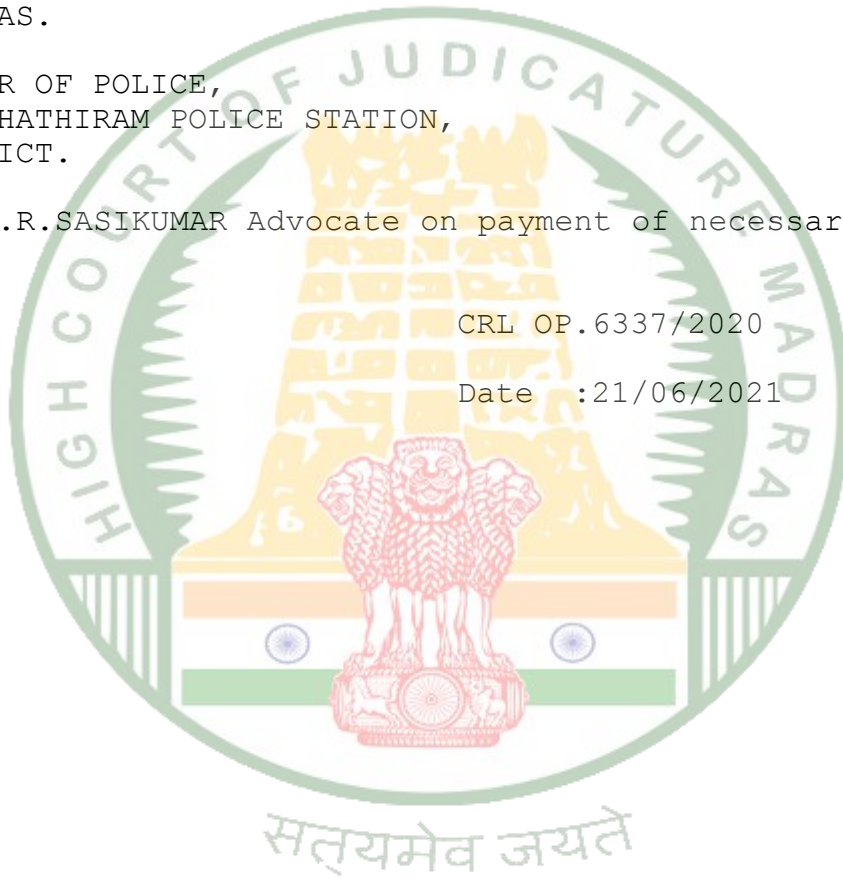
4 THE INSPECTOR OF POLICE,
D-3, KANAKAMMA CHATHIRAM POLICE STATION,
TIRUVALLUR DISTRICT.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR NO.6662

CRL OP.6337/2020

Date :21/06/2021

MK:09/07/2021



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