

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6634 of 2021

VANITHA @ SOUNTHERIYA

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
VAIPPUR POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.416 OF 2020.

For Petitioner : M/S.S.K.SYED ELIYAS 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 petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.416 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that totally there are two accused. The defacto complainant is the first wife of the A1. The allegation is A1 got married to the petitioner and the defacto complainant questioned the same and it is alleged that the accused abused her in filthy language and assaulted her. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. He further submitted that A1 and the defacto complainant mutually divorced seven years ago and thereafter only A1 married the petitioner and they are living together. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a family dispute between the parties, which resulted in a wordy quarrel between the defacto complainant and the accused and the accused abused the defacto complainant in filthy language and attacked her. He further submitted that A1 was arrested and released on bail.

5. Considering the facts and circumstances of the case, and the fact that there was a family dispute between the parties and A1 was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvavarur, on condition that the petitioner 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 petitioner shall appear before the respondent as and when required for interrogation.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner 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/-

01/04/2021

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

TRUE COPY

TO

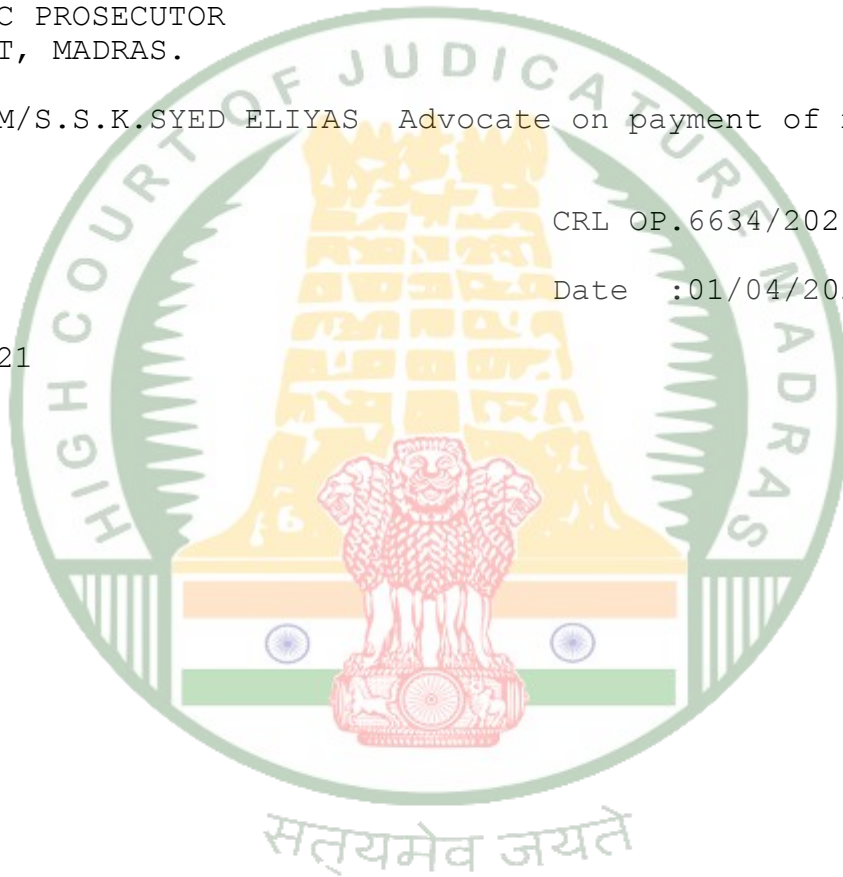
- 1.THE JUDICIAL MAGISTRATE,
THIRUVARUR.
- 2.THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT.(FOR INFORMATION)
- 3.THE INSPECTOR OF POLICE,
VAIPPUR POLICE STATION,
THIRUVARUR DISTRICT.
- 4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.K.SYED ELIYAS Advocate on payment of necessary charges

CRL OP.6634/2021

Date :01/04/2021

TK/22.04.2021



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