

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8330 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.
CR.NO.207 OF 2021.

For Petitioner : M/S.PRADEEP JAYARAMAN Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

This is the second anticipatory bail petition. Since, the petitioners have not complied with the conditions imposed by this Court in Crl.O.P.No.5754 of 2021 dated 24.03.2021 due to lapse of time, they have come forward with the present petition.

2. The petitioners (A1 to A3) who apprehend arrest at the hands of the respondent/police for the offences punishable under Sections 294 (b), 352, 494 and 506 (I) IPC in Crime No.207 of 2021, seek anticipatory bail.

3. The case of the prosecution is that the *de facto* complainant is the wife of the first petitioner. The second and third petitioners are the sister and brother-in-law of the first petitioner, respectively. The first petitioner got married to the *de*

facto complainant in the year 2017 and they were Teachers by profession. Due to marital discord, the first petitioner filed H.M.O.P.No.219 of 2018 for divorce and the same is pending. While that being so, the first petitioner, with the help of the second and third petitioners, married another woman. Hence, the complaint.

4. The learned counsel for the petitioners would submit that only after getting an *ex parte* decree in H.M.O.P. proceedings, the first petitioner has married another woman and the present complaint has been filed in order to harass the first petitioner and the other petitioners have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal side) would submit that the investigation is still pending and hence, he opposed for the grant of anticipatory bail to the petitioners.

6. Considering the above facts and circumstances of the case and the fact that the petitioners have not complied with the conditions imposed by this Court in earlier anticipatory bail petition due to lapse of time, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, **within a period of one week** from the date on which the order copy made ready, before the learned **Judicial Magistrate, Tharangampadi**, on condition that the petitioners 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and 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;

[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]**; and

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

-sd/-
05/05/2021

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 DISTRICT. (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PRADEEP JAYARAMAN Advocate on payment of
necessary charges SR.No. 5778

CRL OP.8330/2021

Date :05/05/2021

RG.11.05.2021

सत्यमेव जयते

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