

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9038 of 2021

1.Theeran
2.Saritha
3.Ashokraj
4.Rabina
5.Amsavalli

... Petitioners

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Jayankondam
Ariyalur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.19 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Gandhikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police, for the alleged offences under Sections 494, 294 (b), 506(ii) r/w 109 IPC, in Crime No.19 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 20.10.2019, the de-facto complainant married one Arulkumar. After the marriage, quarrel arose between the said Arulkumar and the de-facto complainant and she left the matrimonial home. In the meanwhile, the de-facto complainant's uncle informed her that her husband had married one Sarnya/A2. On 27.09.2020, when the de-facto complainant and her father went to the matrimonial home and questioned about the same, her husband's family members scolded them with filthy language and threatened them with dire consequences. Hence the case has been

3.The learned counsel appearing for the petitioners would submit that the petitioners are relatives of the first accused and living separately. He would further submit that the petitioners have been falsely implicated in this case and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Cr1. Side) would submit that due to family quarrel, the accused persons abused the de-facto complainant in filthy language and threatened her with dire consequences.

5.Considering the facts and circumstances of the case and also it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 Judicial Magistrate No.II, Jayankondam, on condition that the petitioners shall execute a 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, 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-sd/-
12/05/2021

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,
NO.II, JAYANKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM,
ARIYALUR DISTRICT.

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

CRL OP.9038/2021

Date :12/05/2021

TA-02/07/2021

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