

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9640 of 2021

1.Senthil Vel
2.Sekar

... Petitioners

Vs.

State, rep.by
The Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai.
Crime No.23 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.23 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Mohan Raj

For Respondent : Mr.A.Damodaran
Govt. Advocate (Crl.Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 354 (d), of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.23 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to the wordy quarrel between the petitioners and the defacto complainant, a case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the defacto complainant is working as Constable in Tamilnadu Armed Reserved Force, Tiruvannamalai District, and the first petitioner and the defacto complainant are the husband and wife. Due to the wordy quarrel between them, a false complaint has been lodged against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner and the defacto complainant had love affairs and subsequently, the defacto complainant has refused to marry the first petitioner. On the date of occurrence, due to the wordy quarrel between them, she was abused with filthy language by the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are granted anticipatory bail in the event of their arrest or on their appearance, before the Judicial Magistrate No.I, Tiruvannamalai District, on condition that the petitioners shall execute own bond each for a sum of Rs.10,000/- (Rupees Ten thousand only) within a period of four weeks from the date of normal functioning of the Court below to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition 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 appear 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].

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

-sd/-
27/05/2021

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.I,
TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI ALL WOMEN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.9640/2021

Date :27/05/2021

MK:07/07/2021

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