

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.9977 of 2021

1.Ashok Kumar
2.Rajendiran
3.Sumathi
4.Rajkumar
5.Rathika
6.Anitha
7.Saranraj
8.Sutha

...Petitioners

Versus

State Rep. by
The Inspector of Police,
W6, All Women Police Station,
Ayanavaram, Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest by the respondent Police in Crime No.3 of 2021 on the file of the respondent Police.

For Petitioners: Mr.D.Murugan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 323 and 506(ii) IPC in Cr.No.3 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner and the defacto complainant had love affair while they were studied in the law college and they desired to marriage. Accordingly the marriage was performed and after marriage there is no compatibility in between them and thereby the defacto complainant lodged a complaint before the law enforcing agency.

3. The learned counsel appearing for the petitioner would submit that the 1st petitioner has filed a divorce petition in H.M.O.P.No.40 of 2020 before the Villupuram Court. The defacto complainant also received summons in this regard and in order to deceit the case, a complaint has been lodged by the defacto complainant. He would further submit that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case and apprehending arrest at the hands of the respondent Police, the present petition has been filed for anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the matter in dispute between them is a matrimonial dispute and there is no previous case against the petitioners.

5. Considering the fact that the divorce petition in H.M.O.P.No.40 of 2020 is pending before the Villupuram District and there is also no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai 600 008, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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. until further orders;

(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 themselves 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.

This Criminal Original Petition is ordered accordingly.

-sd/-
14/06/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

2 THE CHEIF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
W-6, ALL WOMEN POLICE STATION,
AYANAVARAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.MURUGAN Advocate on payment of necessary charges
SR.NO. 6502

सत्यमेव जयते

CRL OP.9977/2021

Date :14/06/2021

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