

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.10369 of 2021

1. Sundaram

2. Nalini

... Petitioners

Vs.

The State Represented by :-

Inspector of Police,

AWPS- Gudiyatham,

Vellore District.

(Crime No.3 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.3 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.A.Gopinath

Government Advocate (Crl side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498A and 506(i) of IPC and Section 4 of Women Harassment Act in Cr.No.3 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant is the husband and wife. A2 is the mother in law. Due to matrimonial dispute, the defacto complainant has lodged a complaint against her husband and mother in law.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence and the petitioners are innocent and the due to family dispute, a false case has been foisted against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that the Social Welfare officer has been forwarded a complaint.

5. Considering the facts and circumstances of the case and there is no serious allegation as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate, Gudiyatham, on condition that the petitioners shall execute separate 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. For a period of two weeks and thereafter, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

7. In the result, this Criminal Original Petition is ordered and this Court directs the respondent police to complete the enquiry as expeditiously as possible.

-sd/-
15/06/2021

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 JUDICIAL MAGISTRATE,
GUDIYATHAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE

3 THE INSPECTOR OF POLICE,
AWPS-GUDIYATHAM,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.10369/2021

Date :15/06/2021

MK:13/07/2021

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