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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11269 of 2021

1.N.Kalidoss ... Petitioners  
2.V.Natarajan  
3.S.SenthamizhSelvi

Vs.

State rep by, ... Respondent  
The Inspector of Police  
Thiruthuraipoondi All Women Police Station  
Thiruvarur District  
(Crime No.03/2021)

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.03 of 2021 on the file of the respondent police.

For Petitioners: Mr.P.Muthamizh Selvakumar

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

ORDER

( This case has been heard through video conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 352, 417, 506(ii) R/w 376 IPC in Crime No.03 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first petitioner fell in love with each other and also had physical affair with the defacto complainant. Subsequently the first petitioner refused to marry the defacto complainant and when the same was questioned by the defacto complainant the petitioners have assaulted the defacto complainant and threatened her with dire consequences. Hence, the defacto complainant has lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submits that the petitioners along with the main accused had threatened and attacked the defacto complainant for having developed intimacy with the main accused/first petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the main overt act is against the first petitioner, this petition is dismissed with regard to A1 and with regard to second and third petitioners, this Court is inclined to grant anticipatory bail with certain conditions:

6.Accordingly, the second and third 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 Additional Session Judge, Fast Track Mahila Court, Thiruvavur on condition that the second and third petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 and on further condition that:

(a) the second and third 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 second and third 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 second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third 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 second and third 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.

-sd/-

01/07/2021

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

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

TO

1 ADDITIONAL SESSION JUDGE,  
FAST TRACK MAHILA COURT,  
THIRUVARUR.

2 THE INSPECTOR OF POLICE,  
THIRUTHURAIPOONDAI ALL WOMEN POLICE STATION,  
THIRUVARUR DISTRICT.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S P.MUTHAMIZHSELVAKUMAR Advocate on payment of  
necessary charges

CRL OP.11269/2021

Date :01/07/2021

INBA 20/07/2021