



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12464 of 2021

1. K.Rajiv Gandhi ... Petitioners
2. Kasi
3. Kumaresan
4. Sivanthamalli
5. Deepa

Vs.

The State Rep by ... Respondent
The Inspector of Police,
All Women Police Station, Polur,
Thiruvannamalai District.
(Cr.No.6 of 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 respect of Crime No.6 of 2021 on the file of the Inspector of Police, All Women Police Station, Polur, Thiruvannamalai District, pending investigation.

For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 498-A, 494, 294(b), 323 and 506(i) of IPC in Crime No.6 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband of the defacto complainant and A6 is the second wife of A1/husband of the defacto complainant and other accused persons/A2, A4 and A5 are in-laws of the defacto complainant. The defacto complainant married the 1st petitioner in the year 2017, she left the 1st petitioner within one month of their marriage and during her absence, the 1st petitioner married another woman viz., Deepa/A6 and hence she sought to take action against the petitioners for committing bigamy and to get back5



sovereigns of gold jewels, Rs.50,000/- given by her parents for purchase of two wheeler and house hold articles worth about Rs.50,000/-. Based on the complaint, the law enforcing agency registered the case against these petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that though the marriage between the 1st petitioner and the defacto complainant was solemnized in the year 2017, she left him within one month of marriage and never returned to the matrimonial home. Thereafter, she developed illicit relationship with someone. When this was being so, in the year 2019 she lodged a complaint before the respondent police to take action against the 1st petitioner. He further submits that she was not at all interested to live with the 1st petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that A1 married A6 without the knowledge of the defacto complainant. It was questioned by the defacto complainant, the petitioners assaulted her and used filthy language and threatened her with dire consequences. A1 has committed bigamy and, hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the submissions made by both counsels and there being no serious allegations against the petitioners 2, 3 and 4/A2, A4 and A5, this Court is inclined to grant anticipatory bail with regard to petitioners 2, 3 and 4/A2, A4 and A5 who are in-laws and this court is not inclined to grant anticipatory bail with regard to 1st petitioner/A1 and 5th petitioner/A6, being the husband of the defacto complainant and the second wife of A1 respectively.

6.Accordingly, petitioners 2, 3 and 4/ A2, A4 and A5 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 Court, Polur, Thiruvannamalai District* on condition that each of the petitioners shall execute a 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 2, 3 and 5/ A2, A4 and A5 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 2 and 3/A2 and A4 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 and the petitioner 4/A5 being a lady shall report before the respondent police as and when required for interrogation.

(c) the petitioners 2,3 and 5/ A2, A4 and A5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2,3 and 5/ A2, A4 and A5 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. This Criminal Original petition is dismissed as against the petitioners 1 and 5/A1 and A6.

-sd/-
20/07/2021

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 MAGISTRAT,
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, POLUR,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary
charges SR.No.7608

CRL OP.12464/2021

Date :20/07/2021

CSK 30/07/2021