



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12455 of 2021

1. P.Anbu Selvan ...Petitioners
2. P.Palanisamy
3. P.Eswari
4. Sakthivel
5. A.Suhasini
6. Kumutha
7. Sakthinathan
8. Vanitha
9. Sakthimurugan

Versus

The State Represented by ...Respondent
The Inspector of Police,
AWPS Police Station Omalur,
Salem District.
(FIR.No.01 of 2021)

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.01 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.C.Palanisamy

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 506(1), 498(A), 494 of IPC, in Crime No.01 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the 1st petitioner. Further, the 1st petitioner got second marriage with the 5th petitioner/A9, thereby, the 1st wife/defacto complainant has given a complaint before the respondent police as against the petitioners.



3.The learned counsel appearing for the petitioners would submit 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 the defacto complainant had already married with one Kathiravan and the marriage certificate has also been produced. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the defacto complainant is the wife of the 1st petitioner. Further, the 1st petitioner got second marriage with the 5th petitioner/A9. He further submits that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that the present petition relates to bigamous marriage of 1st petitioner and that there is counter allegation against the defacto complainant as she too has entered bigamous marriage and in view of the *interse* dispute,, 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 Court, Omalur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners 3, 5, 6 and 8 shall report before the respondent police as and when required for interrogation and the petitioners 1, 2, 4, 7 and 9 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.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/07/2021

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 MAGISTRATE,
OMALUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS POLICE STATION OMALUR,
SALEM DISTRICT.

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

CRL OP.12455/2021

Date :19/07/2021

TA-02/08/2021