



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Nineteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14813 of 2021

1 RAJASEKARAN  
2 MARIMUTHU@MARIYAMMAL

[ PETITIONERS / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
RASIPURAM, NAMAKKAL DISTRICT.  
(CRIME NO.8/2021)

[ RESPONDENT / COMPLAINANT]

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate ( Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 498 A, 323, 494 and 506(ii) of IPC and read with Section 4 of Women Harassment Act 2002 in Cr.No.8 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 got married during the year 2009. Due to matrimonial dispute, they are living separately. Subsequently, the defacto complainant came to know that A1 got married with A5. Hence, the present complaint was registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel further submitted that the petitioners have denied the marriage. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. side) appearing for the respondent submitted that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.



5. According to the second petitioner, she had never married with A1. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the second petitioner and further, this Court is not inclined to grant anticipatory bail insofar as the first petitioner is concerned.

6. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rasipuram, Namakkal, on condition that the second petitioner shall execute a 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) the second petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 insofar as the second petitioner(A5) is concerned and this petition is dismissed as against the first petitioner (A1).

WEB COPY

-sd/-  
19/08/2021

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,  
RASIPURAM, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE,  
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
RASIPURAM, NAMAKKAL.

CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.14813/2021

Date :19/08/2021

INBA 06/09/2021