



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

Friday, the Thirteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14289 of 2021

1 SIVABHARTHI

..PETITIONERS/ACCUSED

2 DEVADAS

3 SELVARANI

(*)4 VIGNESH @ ABI

5 NAVEENA

6 VELU

7 SIVARANJINI

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIPERUMBUDUR,
KANCHIPURAM DISTRICT.
CRIME NO. 5 OF 2021.

[RESPONDENT]

For Petitioner : M/S. ELAVARASU Advocate

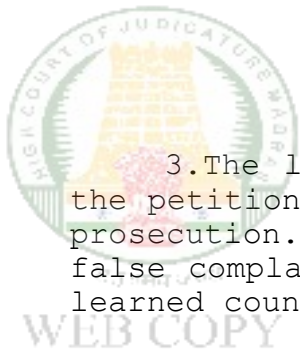
For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

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 354, 376(2)(n), 313, 417, 420, 506(ii) of I.P.C and Section 4 of Indecent Representation of Women Act, 1986 in Crime No.5 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner fell in love with the defacto complainant and married her without the consent of parents of both sides and living separately. Thereafter the defacto complainant became pregnant. Subsequently the first petitioner compelled her to abort the foetus of the child and the defacto complainant also got aborted. It is alleged that the first petitioner is now refusing to continue the relation ship with her and planned to perform second marriage. Hence, the complaint.



3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution. He further submits that only due to family dispute a false complaint has been lodged against the petitioners . Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5.Considering the fact that due to family dispute, the occurrence had taken place, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners is 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, Sriperumbudur 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) 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.

WEB COPY

-sd/-

13/08/2021

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.

(*) Amended as per order of this court dated 05/10/2021 made in Crl.MP.No.10196 Of 2021 in Crl.OP.No.14289 of 2021.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIPERUMBUDUR,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. ELAVARASU Advocate on payment of necessary charges SR.No.11015

CRL OP.14289/2021

Date :13/08/2021

RVR 23/08/2021

APN 01/11/2021