



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15572 of 2021

1 GOVINDHAN
2 VIJAYA
3 BABU
4 LOKESH
5 RAMESH

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
AWPS THIRUVALLUR POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.16/2021)

[RESPONDENT]

For Petitioner : M/S.K.ASWIN BALAJI Advocate

For Respondent : MR.C.E.PRATAP, 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, 506(i), 498(a) & 494 of I.P.C in Cr.No.16 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that A1 and other petitioners herein are relatives. A1 and the defacto complainant are husband and wife who got married on 4.12.2016. There was no child for A1 and the defacto complainant and thereafter, there was no compatibility between A1 and the defacto complainant and dispute had arose between the husband and wife. It is further the case of the defacto complainant that A1 had an illicit relationship with A2 and begotten a child. Hence the defacto complainant lodged a case against A1.



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

4.The learned Additional Public Prosecutor did not dispute the allegation made by the defacto complainant hence he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate Court-I, Thiruvallur, on condition that the petitioners shall execute a 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)if the petitioners failed 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;

(c)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;

(d)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(g)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;



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

-sd/-

31/08/2021

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-I,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS THIRUVALLUR POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.ASWIN BALAJI Advocate on payment of necessary charges SR.NO.9337

CRL OP.15572/2021

Date :31/08/2021

CSK 13/09/2021