



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16466 of 2021

1 GUNAVELU
2 DEVI

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.
CRIME NO.17 OF 2021.

[RESPONDENT / COMPLAINANT]

For Petitioners : M/S. D.A.SUGUMAR Advocate

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

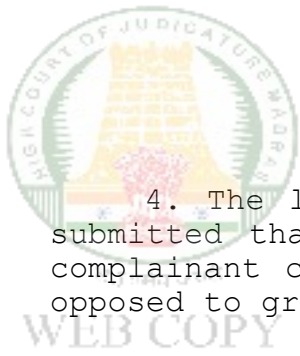
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b), 323, 498(A) of IPC in Cr.No.17 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner A1 and the defacto complainant are husband and wife. Due to some matrimonial dispute, they have applied for divorce on mutual consent. Since the defacto complainant refused for the divorce on mutual consent, the petitioners attacked and threatened the defacto complainant. Hence respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and there was a family dispute between the defacto complainant and the petitioners. Due to which, she has lodged a false complaint against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate appearing for the respondent submitted that the petitioners assaulted and threatened the defacto complainant continuously and the investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact and circumstances of the case, 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 No.V, Vellore, on condition that the petitioners shall execute the 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 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 petitioner A1 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, whereas the petitioner A2 shall appear before the respondent police 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/-
09/09/2021

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,
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.A.SUGUMAR Advocate on payment of necessary charges SR.NO.9852

CRL OP.16466/2021

Date :09/09/2021

JPA 28/09/2021