



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18521 of 2021

1 DHANALAKSHMI BABU
2 BABU

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
ARANI ALL WOMEN POLICE STATION,
ARANI, TIRUVANNAMALAI DISTRICT
CR NO.13/2021

[RESPONDENT]

For Petitioner : M/S.S.PAUL GNANAMUTHU Advocate

For Respondent : M/S. 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 for the alleged offence under Section 498(A), 294(b), 494, 109, 506(i) of IPC in Cr.No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant married accused/A-1 in the year 2002 and due to the said wedlock three children were born to them. Subsequently, there was some misunderstanding between them and the defacto complainant went to her parental home. It is alleged that when the first marriage was in subsistence, accused/A-1 married accused/A-2. The petitioners herein are the brother's wife and brother of A-1 . Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners 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 co-accused had enlarged on bail by this Court in Crl.O.P.No.18429 dated 04.10.2021. Hence, learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) submits that the petitioners are brother's wife and brother of accused/A-1 and it is alleged that when the first marriage was in subsistence, accused/A-1 married accused/A-2. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the co-accused had enlarged on bail by this Court in Crl.O.P.No.18429 dated 04.10.2021, 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, Arani, 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)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/A-4 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 and petitioner/A-3 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/-

28/10/2021

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.

(*) Corrected Copy to be substituted for the order already despatched on 18.11.2021.

TO

**(*)1 THE JUDICIAL MAGISTRATE,
ARANI.**

**(*)2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI DISTRICT. [FOR INFORMATION]**

3 THE JUDICIAL MAGISTRATE,
NO.II, MADURANTHAKAM

4 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

5 THE SUB INSPECTOR OF POLICE,
ARANI ALL WOMEN POLICE STATION,
ARANI, TIRUVANNAMALAI DISTRICT

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.PAUL GNANAMUTHU Advocate on payment of necessary charges

CRL OP.18521/2021

Date :28/10/2021

APN 12/11/2021

RW-04/07/2022