



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18429 of 2021

1. Jayabalan
2. Poongavanam

... Petitioners

Vs.

State by:-
Inspector of Police,
All Women Police Station,
Arani, Tiruvannamalai District
(Crime No.13 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners pending investigation in Crime No.13 of 2021 on the file of the respondent police.

For Petitioners : Mr.B. Jawahar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners were arrested on 10.09.2021 and remanded to judicial custody for the offences under Sections 498(A), 294(b), 494 r/w 109 and 506(i) of I.P.C in Crime No.13 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant married the first petitioner in the year 2002 and due to the said wedlock three children was 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 the first petitioner married the second petitioner. Hence the law enforcing agency registered a case against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and they are in judicial custody from 10.09.2021. He further submits that he seeks permission of this court to withdraw this petition with regard to the first petitioner and prays bail to the second petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that while the first marriage was in subsistence the first petitioner married the second petitioner which is illegal. Hence he vehemently opposed for grant of bail to the petitioners.

5. Considering the submission made by the learned counsel for the petitioner, this petition is dismissed with regard to the first petitioner and considering the period of incarceration suffered by the second petitioner this Court is inclined to grant bail to the second petitioner with certain conditions:

6. Accordingly, the second petitioner is ordered to be released on bail on their executing 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 learned Judicial Magistrate, Arani and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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. until further orders;

(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 second and fourth petitioners/ A6 and A8 in accordance with law as if the conditions have been imposed and the second 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.

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-sd/-
04/10/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANI, TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges

CRL OP.18429/2021

Date :04/10/2021

JPA 05/10/2021