

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.19707 of 2020

1.Nandhini
2.Devendiran
3.Muniyammal

... Petitioners

Vs.

State Rep. by The Inspector of Police,
Ponnai Police Station,
Vellore District.
(Crime No.1065 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of their arrest in Crime No.1065 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.S.Sairaman

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners/A2, A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 352 and 506(i) of IPC, in Crime No.1065 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of one Saravanan/A1 and after their marriage she was harassed by her husband due to the illicit relationship with the first petitioner herein and second petitioner, who is the father of the first petitioner, has helped the first petitioner to marry the defacto complainant's husband.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and the first petitioner has no illicit relationship with the defacto complainant's husband and the defacto complainant created a false story for some other purpose.

5. The learned Additional Public Prosecutor submitted that the investigation is over, and he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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.I, Walajapet, Vellore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/01/2021

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.I, WALLAJAPET, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PONNAI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S S.SAIRAMAN Advocate on payment of necessary charges
SR.No.224

CRL OP.19707/2020

Date :07/01/2021

cs 19/01/2021

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