

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19931 of 2020

1.Jancy

2.Rajathji Mery

... Petitioners/Accused 4 & 5

Vs.

The State by
Inspector of Police
All Women Police Station,
Erode.

[Crime No.16/2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr1.P.C. to grant anticipatory bail to the petitioners in the event of arrest in connection with the Crime No.16/2020 on the file of the respondent.

For Petitioners : Mr.M.Sudhakar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 494, 420, 406, 506(i) r/w 109 and 4 of Protection of Woman from Domestic Violence Act, in Crime No.16 of 2020, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Jamunadevi is that, the second petitioner is the mother of the first petitioner. The de-facto complainant is the first wife of A1 and she alleged that A1 got married to the first petitioner herein when the earlier marriage was in subsistence with the de-facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner is the second wife of A1. A1 got married to the first petitioner, when his marriage with the de-facto complainant was subsisting. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsel that the first petitioner said to be the second wife of A1, and the second petitioner is the mother of the first petitioner, and there is no serious allegation of the dowry demand and other alleged offences against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate Court, Kodumudi, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)

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

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

-sd/-
05/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
KODUMUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE.

CC to M.SUDHAKAR Advocate on payment of necessary charges

CRL OP.19931/2020

Date :05/01/2021

MK:25/01/2021