



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21521 of 2021

K.RAJIV GANDHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CRIME NO.6/2021)

[RESPONDENT]

For Petitioner : M/S K.SELVAKUMARASWAMY Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Cr1. Side)

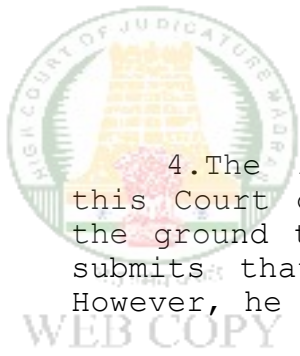
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 498(A), 494, 294(b), 323 and 506(i) of the Indian Penal Code and Section 4 of Dowry Prohibition Act, in Crime No.6 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 got married before three years. Due to matrimonial dispute, they are living separately. Subsequently, the defacto complainant came to know that A1 got married with another woman/A6. When the defacto complainant went to the house of A1 and asked about the marriage. At that time, the petitioner along with other accused abused the defacto complainant in filthy language and assaulted her with hands. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he also submits that no marriage was performed between A1 and A6. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits earlier this Court dismissed the petitioner's anticipatory bail petition on the ground that the petitioner illegally married A6. However he submits that the petitioner and A6 are in live-in relationship. However, he opposed grant of anticipatory bail to the petitioner.

5. In view of the above submissions, there is no proof was filed before this Court that the marriage was performed between the petitioner and A6, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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's Court, Polur* on condition that the petitioner shall execute a 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 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 petitioner 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 shall report before the respondent police daily at 10.30 a.m until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 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 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.

-sd/-

25/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S K.SELVAKUMARASWAMY Advocate on payment of necessary
charges SR.NO.13484

CRL OP.21521/2021

Date :25/11/2021

CSK 03/12/2021