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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22275 of 2021

Lakshmi Devi

.. Petitioner

Vs.

State rep.by
The Inspector of Police
All Women Police Station,
Thiruvallur, Tiruvallur District.
Crime No.15 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of her arrest in Crime No.15 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 450, 376(2)(n), 506(ii), 292-A of IPC and Section 67 of Information Technology Act, 2000 r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.15 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A2 is the wife of A1 who is an Advocate. The defacto complainant approached the husband of the petitioner A1 for divorce case and thereafter A1 developed illegal intimacy with the defacto complainant and he had taken obscene photographs and forwarded to his wife/petitioner herein and then the petitioner is alleged to have sent the obscene photographs to her and threatened her and also demanded huge money. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the co-accused was released on statutory bail by the learned Judicial Magistrate No.II, Tiruvallur in CrI.MP.No.6104 of 2021 dated 20.10.2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI side) submits that the petitioner's earlier bail petition was dismissed by this Court in CrI.OP.NO.21139 of 2021 dated 16.11.2021.

5. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed, she being the wife of A1, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruvallur on condition that the petitioner 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 petitioner 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 shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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/-

25/11/2021

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.II, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges SR.NO.13548

CRL OP.22275/2021

Date :25/11/2021

RW 01/12/2021