



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

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

CrI.O.P.No.23058 of 2021

1.S.Tarzan

2.T.Lakshmi @ Lakshmi Devi

... Petitioners

Vs.

State of Tamil Nadu

Rep. by The Inspector of Police,

All Women Police Station,

Thiruvallur.

Cr.No.257 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 their arrest in Crime No.257 of 2021 on the file of the respondent.

For Petitioner : Mr.Prof.M.Udhayabanu

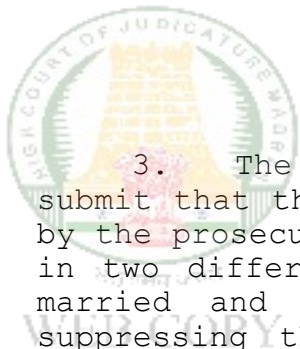
For Respondent : Mr.N.S.Suganthan

Government Advocate (CrI. side)

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence under Sections 384, 509, 354C, 506(ii) of IPC, (*)1860 (as amended), read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 (as amended) r/w Section 67 of the Information Technology Act, 2000 (as amended) in Cr.No.257 of 2021 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the 1st petitioner, by suppressing his first marriage, has married the defacto complainant, their marriage was solemnized at Infact Church, Bangalore, on 18.10.2019 and they took their photos and gold jewels were also purchased in the name of the defacto complainant. They went to honeymoon to Ooty and other places together and took several photos. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Two cases have been filed for same cause of action in two different courts. The de facto complainant, who was already married and got divorced, has married the first petitioner by suppressing the said fact and the mobile number mentioned by the defacto complainant is not at all involved in any crime. The petitioner is ready to co-operate for investigation and to comply with any condition. Hence, the petitioners may be granted anticipatory bail.

4. The learned Government Advocate would submit that the first petitioner is a practising advocate. The first petitioner was the counsel for the defacto complainant in the divorce case and he got divorce on 13.07.2019. Thereafter, on 17.07.2021, during the birthday party, when her husband and her brother were in the house, the first petitioner using another number sent the photograph of the defacto complainant to the cellphone of her husband, when the same was enquired by her brother and husband, the 1st petitioner demanded Rs.20 Lakhs and threatened saying that he would post the same in the social media.

5. Considering the gravity of the offence, I am not inclined to grant anticipatory bail to the first petitioner/A1. Accordingly, this petition is dismissed as against the first petitioner/A1.

6. Considering the fact that there is no serious allegation as against the wife/A1 and the second petitioner/A2, this Court is inclined to grant anticipatory bail to the second petitioner/A2.

7. Accordingly, the second petitioner/A2 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, Thiruvallur, on condition that the petitioner/A2 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 second petitioner/A2 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 second petitioner/A2 shall report before the respondent police as and when required for interrogation;

(c) the second petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;



(d) the second petitioner/A2 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/A2 in accordance with law as if the conditions have been imposed and the second petitioner/A2 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/-

02/12/2021

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.

(*) Being mentioned as per order of this Court dated 15/12/2021 made in CRL.OP.NO.23058/2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PROF.M.UDHAYABANU Advocate on payment of necessary charges SR.NO.14781

CRL OP.23058/2021

Date :02/12/2021

JPA 07/12/2021

JPA 23/12/2021