



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23497 of 2021

AND CRL.MP.NO.13239/2021

1. S.Prabakaran
2. M.C.Selvaraj
3. S.Devi
4. S.Sowmiya

...Petitioners

Versus

State by
The Inspector of Police
All Women Police Station,
Erode.
(Crime No.28 of 2021)

...Respondent

B.KOWSIKA

..PETITIONER/INTERVENER ORDERED AS PER ORDER
OF THIS COURT DATED 14/12/2021 MADE IN
CRL.MP.NO.13239/2021

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.28 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.L.P.Shanmugasundaram

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : Mr.S.Thirukumaran

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 354A, 294(b), & 506(i) IPC in Crime No.28 of 2021, on the file of the respondent police, seek anticipatory bail.

2. When the matter is taken up for hearing, the first petitioner/husband and the defacto complainant/wife along with their counsels are present before this Court.



3. The case of the prosecution is that the first petitioner had married the defacto complainant. Further, the petitioners had abused the defacto complainant in filthy language and harassed her. Further, the father of the first petitioner had misbehaved the defacto complainant and harassed her. Hence, the complaint was registered.

4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the first petitioner is ready and willing to live with the de-facto complainant, the de-facto complainant is not willing to rejoin with the first petitioner, a false case has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that the petitioners had harassed the defacto complainant. He further submitted that the investigation is almost completed and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

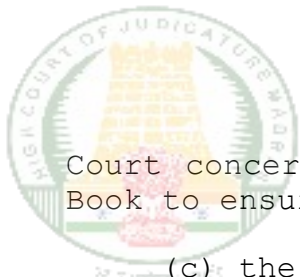
6. The learned counsel for the Intervenor/defacto complainant submitted that the petitioners had abused the defacto complainant and harassed her. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

7. Considering the facts and circumstances of the case and also the fact that the first petitioner and the defacto complainant are present before this Court and this Court enquired them and the defacto complainant is not interested to live with the first petitioner and further considering that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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.II, Erode, on condition that the petitioners shall execute a separate 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/12/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE [FOR INFORMATION]

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



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. L.P.SHANMUGASUNDARAM Advocate on payment of
necessary charges Sr.14734

CC to M/S. S.Thirukumaran Advocate on payment of necessary
charges Sr.14791

CRL OP.23497/2021

AND CRL.MP.NO.13239/2021

Date :14/12/2021

RVR 22/12/2021