



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23679 of 2021

Pandian

... Petitioner

Versus

State by,
The Inspector of Police,
Alangayam Police Station,
Vellore District.
(Crime No.3 of 2013)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest pending trial in PRC No.7 of 2015 on the file of Judicial Magistrate No.3, Thirupathur, Vellore District in Crime No.3 of 2013 on the file of respondent police.

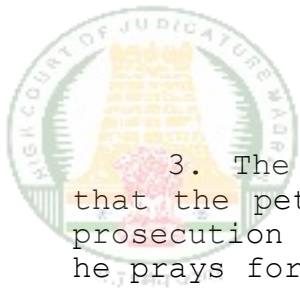
For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 376 and 506(i) of IPC in Crime No.3 of 2013, seeks anticipatory bail.

2. The case of the prosecution is that on 02.01.2013 the defacto complainant lodged a complaint against the petitioner and another before the 1st respondent. The defacto complainant and her husband was separated 8 years back due to incompatibility, regarding this divorce case was pending before Family Court. The petitioner knowing that the defacto complainant was separated from her husband, he had proposed with the 2nd respondent to get marriage with him. On 11.01.2011 the defacto complainant was alone at her house, the petitioner entered into the defacto complainant's house and forcefully abused the 2nd respondent. This was informed to the petitioner's mother. Due to this the 2nd respondent was neither able to live together with her husband nor been get married with the petitioner. So therefore the complaint was given by the defacto complainant. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that A2 still absconding and the petitioner giving a false promise and he harass the defacto complainant, hence she gave a complaint, charge sheet was taken in PRC No.7 of 2015. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.4, Vellore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 petitioner shall report before the trial Court in all hearings at 10.30 a.m., without fail 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

09/12/2021

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.III, THIRUPATHUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S. SILAMBU SELVAN Advocate on payment of necessary charges Sr.14468

CRL OP.23679/2021

Date :09/12/2021

RVR 14/12/2021