



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

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CORAM:

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

Crl.O.P.No.23997 of 2021

1.M.Manivannam
2.M.Sujatha

.. Petitioners

Vs.

The State Rep.by
The Inspector of Police,
Hasthampatti Police Station,
Salem District-636 007.
(Crime No.422 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest concerned crime No.422 of 2021 on the file of the Inspector of Police, Hasthampatti Police Station, Salem District.

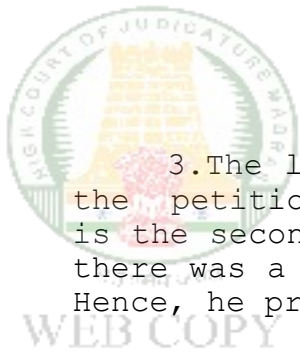
For Petitioners: Mr.N.Vijaya Basker

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

ORDER

The petitioners who apprehend arrest for the alleged offences under Sections 323, 324 and 506(i) of IPC in Cr.No.422 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that she is living as a second wife of the first petitioner. Further, the first petitioner taken care of the defacto complainant and her daughter for more than 14 years and on one day, she approached the first petitioner asked the money for her child education at that time, the first petitioner and his wife/second petitioner herein abused her with filthy languages and threatened her with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners are the husband and wife and the defacto complainant is the second wife of the first petitioner. He further submitted that there was a family dispute between them, a false case has been given. Hence, he prays for grant anticipatory bail.

4.The learned **Government Advocate (Crl side)** raising objection stating that the first petitioner had illegal intimacy with defacto complainant, Subsequently there was a misunderstanding between them. He further submitted that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also the fact that they have long relationship with each other, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.V, Salem District**, on condition that the petitioners 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 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;

(b)the first petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and second petitioner is directed report before the respondent police as and when required for interrogation.

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

(d)the petitioners 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/-

10/12/2021

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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.V, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HASTHAMPATTI POLICE STATION,
SALEM DISTRICT.

CC to M/S.LAW VISION Advocate on payment of necessary charges

CRL OP.23997/2021

Date :10/12/2021

TA-29/12/2021