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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

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

Crl.O.P.No.24592 of 2021

Yamuna Thamaraiselvi

... Petitioner/Accused

Vs.

The State
Rep. by The Inspector of Police,
M7-Manali New Town Police Station,
Chennai - 103.
Cr.No.763 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 his arrest in Crime No.763 of 2021, on the file of the respondent police.

For Petitioner : Mr.S.Vijayaganesh

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 380 of IPC, in Crime No.763 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that one Sumangala Devi was married to one A.S.Viswanathan on 18.05.1969 and out of the above said wedlock, they have three children and they were leading a happy and peaceful life. At this juncture, the petitioner alleged to have developed an illegal intimacy with his husband and claiming to be his second wife and she is threatening our family members. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is legally married 2nd wife of Late.Viswanathan and the petitioner is having three children born through the said Late.Viswanathan and the children are minors and the entire family surviving on the petitioner's daily wages. Hence, he prays to grant



anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the dispute is between the petitioner and the defacto complainant and the proceedings were already pending before the ADJ-4, Ponneri. Based upon the complaint in the year 2015, the FIR was lodged which is said to be in the year 2015 and this Court by an order dated 25.02.2015 dismissed the petition in CrI.O.P.No.810 of 2015 and observed that the enquiry has been closed.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is no specific overt act against the petitioner and investigation is almost completed, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Ponneri, 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 petitioner and 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 respondent police every Saturday 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 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]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/12/2021

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M7, MANALI NEW TOWN POLICE STATION,
CHENNAI 103.

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

CRL OP.24592/2021

Date :16/12/2021

TA-27/12/2021