



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.6126 of 2021

1.Sarasu
2.Pushpa
3.Moorthy

... Petitioners/A2,A3 and A4

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Cantonment, Tiruchirapalli District ,
Crime No.7/2021.

... Respondent/Complainant

For Petitioner : M/s.Madasamy.T.M.,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

C-24AB. For Anticipatory bail in Crime No. 7/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 420, 109 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.7 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant married one Govindharaj. After six years due to matrimonial discard, they got separated by executing twenty rupees bond and they did not get legal divorce. Thereafter, the defacto complainant was in relationship with A1 and they also had physical relationship. When the defacto complainant asked A1's parents to arrange marriage, they refused to do so. Therefore, on 11.06.2018, A1 and the defacto complainant got married in a temple. In this regard, the parents of



A1, made a complaint and the defacto complainant and A1 appeared and A1 refused to go with his parents. Thereafter, the defacto complainant and A1 were living in the defacto complainant's mother house. On 27.02.2021, A1 left the home and thereafter, he did not return. Later, it was found that A1 married his Aunt's daughter on 28.02.2021. Hence, the complaint was given on 01.03.2021. Thereafter, on 15.03.2021, the defacto complainant consumed alcohol.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the first petitioner is the mother and the second petitioner is the sister and the third petitioner is the brother of A1. He also submitted that the first marriage of the defacto complainant was not legally dissolved and the petitioners have nothing to do with the marriage of the defacto complainant with A1. Therefore, he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) submitted that the investigation is pending.

5.It is seen that the first marriage of the defacto complainant is not legally dissolved. When that being the case, she alleged that she married A1 and A1 cheated her by marrying his Aunt's daughter. There is nothing available to show involvement of the petitioners herein in the marriage of A1. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

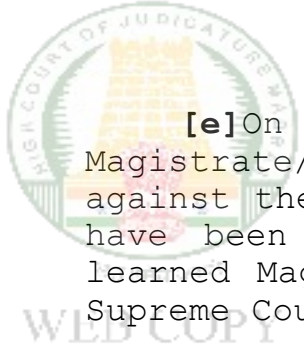
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Tiruchirappalli on condition that the petitioner shall execute 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[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]**.

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

sd/-
29/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDGE, ADDITIONAL MAHILA COURT, TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, CANTONMENT, TIRUCHIRAPALLI DISTRICT ,
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6126 of 2021
Date :29/04/2021

GNS
CSL/05.05.2021 : 3P/4C