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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8172 of 2021

Saravanan

... Petitioner/A-1

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Cantonment,
Tiruchirappalli City.
Crime No. 7 of 2021

... Respondent/Complainant

For Petitioner : Mr.Madasamy T.M.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

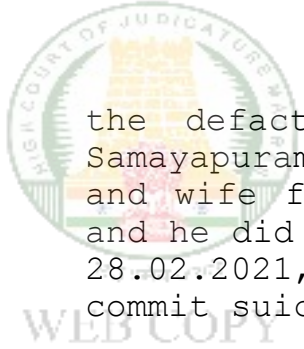
PRAYER :-

For Anticipatory Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 420 and 409 I.P.C., and Section 4 of the Prohibition of Harassment of Women Act 2002 in Crime No.7 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant married one Govindaraj. They had differences between them and therefore, the defacto complainant left Govindaraj and they terminated their marriage by executing a document in twenty rupees stamp paper. Thereafter, the petitioner developed relationship with



the defacto complainant and they got married on 11.06.2018 at Samayapuram Mariamman temple. They were living together as husband and wife for three years. On 27.02.2021, the petitioner left her and he did not return. The defacto complainant came to know that on 28.02.2021, the petitioner married one Rajalakshmi. She tried to commit suicide on 15.03.2021. Thereafter she filed this case.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and he is falsely implicated in this case. He further submitted that co-accused in this case has been granted anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the State opposes this petition on the ground that the investigation in this case is pending.

5. The admitted case of the defacto complainant is that she married one Govindaraj and the marriage was not legally severed. When the marriage is not dissolved in accordance with law, it is claimed that she married the petitioner. Taking note of this fact, 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 Additional Mahila Judge, Tiruchirappalli, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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 daily at 10.30 a.m., 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



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

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sd/-
23/06/2021

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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 ADDITIONAL MAHILA JUDGE,
TIRUCHIRAPPALLI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT,
TIRUCHIRAPPALLI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8172 of 2021
Date :23/06/2021

SSL
TE/VR/SAR-IV : 28/06/2021 : 3P/4C