



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1029 of 2022

Kalpana

...Petitioner/Accused No.3

Versus

State Rep by
The Inspector of Police
All Women Police Station,
Nannilam,
Tiruvarur District.
(*) (Crime No.12 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of his arrest in **(*)Crime No.12 of 2020** pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
(DATED 20.01.2022)

: M/S.L.BASKARAN,
Government Advocate (Crl.Side)
(DATED 18.02.2022)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 352 and 506(i) of IPC, in **(*)Crime No.12 of 2020**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Abirami is that the marriage between her and the first accused took place before 5 years and they have two children. The further allegation is that A1 frequently quarreled with the defacto complainant and he along with other accused assaulted her and refused to give her children to her and driven her out of the matrimonial home. Hence, the complaint was registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she is in-law of the defacto complainant. He would further submit that the marriage between A1 and the defacto complainant took place on 04.09.2014 and there was frequent quarrel between them. He would further submit that the petitioner is in-law and she is living separately and she has been falsely roped in this case and co-accused has already been granted anticipatory bail in Crl.O.P.No.14853 of 2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner is in-law of the victim and the marriage between A1 and the daughter of the defacto complainant took place 5 years back and they have two children. The first accused and other accused frequently used to abuse and assault the defacto complainant driven her out of the matrimonial home and refused to give the children. He would further submit that co-accused has already been granted anticipatory bail in Crl.O.P.No.14853 of 2020. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Nannilam, 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 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 petitioner shall report before the respondent police as and when required for an 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 has 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.

-sd/-

20/01/2022

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.

(*) Being mentioned as per order of this Court dated 18/02/2022 Made in Crl.O.P.NO. 1029/2022

TO

1 THE JUDICIAL MAGISTRATE,
NANILAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM, TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 to T.MURUGANANTHAM Advocate on payment of necessary charges
SR.NO. 2628

CRL OP.1029/2022

Date :20/01/2022

INBA~25/01/2022

RW 24/02/2022