



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

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

Crl.O.P.No.5917 of 2022

1.Shalini ...Petitioners
2.Murugaiyan
3.Manjula

Vs.

The State rep. by the ... Respondent
The Inspector of Police,
All Women Police Station,
Thiruvannamalai,
Thiruvannamalai District.
(Crime No.15 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in Crime No.15 of 2021 on the file of the respondent police.

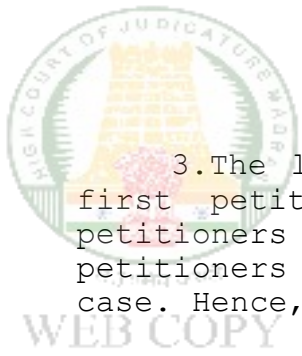
For Petitioners : Mr.B.S.Ramesh

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 417, 376(2)(n), 494 & 506(ii) of IPC, r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.15 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 had physical relationship with the defacto complainant under the guise of marriage, thereafter, he refused to marry her and abused her in filthy language and married some other girl. Hence, the complaint.



3.The learned counsel appearing for the petitioners submit that first petitioner is the second wife of the A1 and the other petitioners are the parents of the A1. He further submitted that the petitioners are innocent persons they have falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl side) raised objection stating that the A1 married the first petitioner without getting divorce from the first wife/defacto complainant. Further he submitted that co-accused were already arrested and released on bail and the investigation was almost completed.

5. On seeing the fact that there was a family dispute pending between A1 and the defacto complainant. Even though if they are released on bail they may not tamper the evidence, 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 **Judicial Magistrate, (Additional Mahila (FTC), Thiruvannamalai**, on condition that the petitioners shall execute separate bonds 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 Second petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the first and third petitioners shall report before the respondent police as and when required for an 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/-
25/03/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
(ADDITIONAL MAHILA COURT) FTC,
THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.B.S.RAMESH Advocate on payment of necessary charges SR.NO.4575

CRL OP.5917/2022

Date :25/03/2022

TA-29/03/2022