



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6802 of 2022

1 SAMPANGIRAJ
2 G.GOMATHI
3 RAJESH KANNA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE,
VELLORE DISTRICT.
CRIME NO.4/2022.

[RESPONDENT]

For Petitioner : M/S.S.L.VENKATESAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

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 294(b), 498(A) & 506(i) of IPC in Crime No.4 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The First Information Report indicates the 1st accused/1st petitioner herein has married the 2nd accused/2nd petitioner herein when the marriage of the 1st petitioner and the defacto complainant was still in subsistence. When that was questioned by the defacto complainant, she was threatened by the 1st accused and his family members who are arrayed as A3/ 3rd petitioner herein and A4.



3. Considering the allegation made in the affidavit and nature of the crime committed by A1 & A2, this Court is not inclined to grant anticipatory bail to these petitioner. As far as the 3rd petitioner is concerned, he is only the brother of A1 and he when the defacto complainant went to A3 and reported about the conduct of his brother A1, he did not help the defacto complainant and this is all the dispute.

4. In such circumstance, this Court is inclined to grant anticipatory bail for the 3rd petitioner with certain conditions and the anticipatory bail petition as against the 1st and 2nd petitioners stands dismissed.

5. Accordingly, the 3rd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate Additional Mahila Court, Vellore on condition that the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) if the 3rd petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the 3rd petitioner 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;

(c) the 3rd petitioner shall report before the Investigating Officer daily at 10.30 a.m., until further orders;

(d) the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 3rd petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-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, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.L.VENKATESAN Advocate on payment of necessary charges SR.NO. 4537

CRL OP.6802/2022

Date :25/03/2022

RW 29/03/2022