



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

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

CrI.O.P.No.24824 of 2021

Kalaivani

... Petitioner

Vs.

The State Rep.by  
The Inspector of Police,  
All women Police Station,  
Panruti, Cuddalore.  
Crime No.39 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.39 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Chellammal

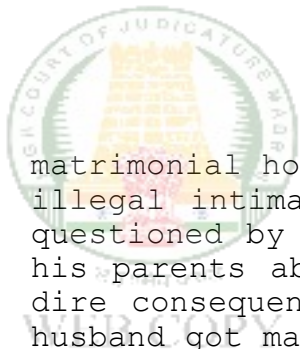
For Respondent : MR.A.Gokulakrishnan,  
Additional public Prosecutor

For Intervenor : Mr.W.Camyles Gandhi

#### ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A), 494, 294(b), 506(i) of IPC in Crime No.39 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant lodged a complaint before the respondent police stated that she married A1/Sathiyasundaram on 26.10.2015 and she was gifted 30 sovereigns of Gold articles with one lakhs rupees and two lakhs rupees worth of household articles and led the matrimonial life happily for one year, thereafter, A1 took the ATM card of the defacto complainant and used to come in drunken mode and picked quarrel with the defacto complainant, following which, the defacto complainant left the



matrimonial house lived with her parents and in the meanwhile, A1 got illegal intimacy with one Kalaivani/petitioner herein, the same was questioned by the defacto complainant, due to which, A1 along with his parents abused her with filthy language and threatened her with dire consequences and the defacto complainant came to know that her husband got married with the said Kalaivani/petitioner herein. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor raised strong objection by stating that A1 got married with the petitioner without the knowledge of the defacto complainant.

5. The learned Government Advocate (Crl.Side) submits that investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

6. Considering the fact and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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 - II, Panruti, 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 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 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 co-operate for the investigation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[e] the 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

-sd/-  
04/01/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.II, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
PANRUTI, CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.V.CHELLAMMAL Advocate on payment of necessary  
charges SR.NO.86

CRL OP.24824/2021

Date :04/01/2022

JPA 20/01/2022