



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.7539 of 2022

1. A.Rajurajan @ Elavarasu
2. Vijayalakshmi

... Petitioners/Accused Nos.1&2

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
(Crime No. 2 of 2022).

... Respondent/Complainant

For Petitioners : Mr.N. Balasubramanian,
Advocate
For Respondent : Mr.S. Ravi
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 2 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 494, 420 and 406 IPC in Crime No.2 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first accused and they have married in the year 2006 and blessed with one male child in the year 2007. Thereafter, the first accused deserted the defacto complainant and married the second petitioner. When the defacto complainant came to the knowledge of marriage of the first accused, she filed a petition under Section 156(3) Cr.P.C before the trial Court. Based on the direction of the trial Court, the petitioners have filed the present petition.



3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he, seeks bail.

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4.The learned Additional Public Prosecutor would submit that the marriage between the first accused the defacto complainant was solemnized in the year 2006 and the male child was born to them in the year 2007. Now, the present complaint is given by the defacto complainant and the investigation is pending.

5. Considering the fact that the marriage between the first petitioner and the defacto complainant was solemnized in the year 2006 and the male child was born in the year 2007, after a period of 14 years the present complaint has been given by the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. 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, Thirupathur, on condition that the petitioners shall execute a bond 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter, as and when required;

(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/-
11/05/2022

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/ TRUE COPY /

12/05/2022

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 JUDICIAL MAGISTRATE,
THIRUPPATHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUPPATHUR,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-4635[I] dated 12/05/2022)

ORDER
IN
CRL OP(MD) No.7539 of 2022
Date :11/05/2022

tta/trp
USK/PN/SAR-IV/12.05.2022/3P/6C