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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

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

Crl.O.P.No.9221 of 2023

Elavazhagi

... Petitioner

Vs.

1. The Station House Officer,
All Women Police Station,
Puducherry
(Cr.No.3 of 2022)

2. Periyandi

3. Kiruoubagary

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 439 (2) of Cr.P.C. praying to cancel the anticipatory bail granted to the Accused Nos.2 and 3/respondents 2 and 3 in the above Crl.M.P.No.860 of 2023 dated 06.03.2023 by the Principal Sessions Judge, Puducherry.

For Petitioner : Mr.V.Kamala Kumar

For Respondents : Mr.M.V.Ramachandra Murthy for R1
No appearance for R2 and R3

ORDER

The respondents 2 and 3 apprehend arrest at the hands of the respondent police for the offence under Sections 439 of Cr.P.C., in Crime No.3 of 2022. Subsequently, they have filed a petition, in Crl.M.P.No.860



of 2023 before the learned Principal Sessions Judge, seeking bail.

2. In CrI.M.P.No.860 of 2023, the learned Judge has granted anticipatory bail to the respondents 2 and 3 on 06.03.2023.

3. Today, the matter was taken up for hearing. Notice was already issued to the respondents 2 and 3 and though their names are also printed in the cause list, none appeared on behalf of them.

4. Learned counsel for the petitioner has submitted that A1 has availed anticipatory bail in CrI.OP.No.8556 of 2023 on 16.08.2023 in which there is a specific direction that the A1/P/Balamurugan shall not leave India till the hearing is over, but the accused/husband managed to escape to Singapore. But now he left India by some means and went to Singapore and he has also married another woman by name Mahalakshmi. Thus he violated the above said condition imposed by this court to A1/husband. Hence, the defacto complainant has filed the present petition seeking cancellation of bail.

5. He further submitted that while the defacto complainant/wife



stayed at matrimonial home with her in-laws/respondents 2 and 3 herein and also used to have conversation with Mahalakshmi with her to whom their son got married. Page No.6 of the typed set of papers, refers to the messages from Mahalakshmi at Singapore to her in-laws.

6. The learned counsel for the petitioner has relied on several messages, out of which, one is extracted hereunder as follows:

“Appa

What did I ever do to u and beauty

Why u all don't reply to my texts

He told me that beauty called him yesterday

Why beauty didn't ask him about me

What have I done wrong

What did I do for u both to mistreat me like this

To this extent

Why me

I understand when u both at home u can't call and talk to me ... but when u both are outside, u can consider calling me right

Appa wishing keerthy a happy advanced blessed birthday”



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7. Learned counsel for the petitioner has further submitted that their in-laws also happens to know about the illegal intimacy with their son with the said Mahalakshmi. He further submitted that they have interfered in the life of the defacto complainant by giving false information.

8. Considering the facts and circumstance of the case that she has two children and now living with the parents along with one of the children who is aged about only one year and all these days she is at her mother's house for delivery and that the contention of the petitioner that by suppressing the alleged married life with another woman and her in-laws are also supporting A1, who is the husband of the defacto complainant, and A1/husband is disobeying the order of this court and living at Singapore with another woman, hence this court is not inclined to cancel the anticipatory bail.

9. In spite of the specific order of this court, A1/husband has violated the order thereby as observed prima facie appears to be committed criminal contempt.



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10. In view of the above discussion, anticipatory bail granted to the petitioners in CrI.MP.No.860 of 2023 by the learned Principal Sessions Judge, Puducherry, on 06.03.2023 in Cr.No.3 of 2022, stands cancelled for the reason that they also supported the alleged illegal intimacy of A1 and A2. The first respondent is directed to proceed in accordance with law.

11. Accordingly, this Criminal Original Petition stands allowed.

Gv

10.04.2024

To

1.The Principal Sessions Judge, Puducherry.

2.The Station House Officer,
All Women Police Station,
Puducherry
(Cr.No.3 of 2022)

3.The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI,J.

Gv

Crl.O.P.No.9221 of 20233



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