

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18386 of 2018

1 GOWRI,
2 VIJAYALAKSHMI,

[PETITIONERS / ACCUSED]

Vs

STATE: REP. BY
THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI. CR.NO.605 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.MUTHUKUMAR Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.605 of 2018 registered by the respondent police for the offence punishable under Sections 341, 294(b), 353, 336, 307 and 506(ii) of IPC and Section 3 (1) of Prevention of Damage to Public Property Act, 1984.

2. The case of the prosecution as per the defacto complainant, who is the Sub-Inspector of Police, is that on 16.07.2018, when he had gone to the petitioners' house to arrest A1, who is the son of the first petitioner, who was involved in Crime No.1440 of 2018, the petitioner along with the first accused have abused the defacto complainant with filthy language and restrained him from arresting the accused and also prevented him from discharging his duties and also caused damage to the Auto Rickshaw.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they happen to be the mother and sister of Vijayan (A1). He would submit that since the petitioners questioned the attitude of the defacto complainant at the time of arrest, they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners are the mother and sister of A1 and when the defato complainant went to the house of the
<https://services.reports.gov.in/services> A1, in connection with Crime No.1440 of 2018,

the petitioners abused the defacto complainant and also prevented him from discharging his duties. He would submit that there is no previous case against the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the counsels and that there is no previous case against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

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 II Metropolitan Magistrate, Egmore, Chennai, on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30.a.m., for a period of one week and thereafter, as and when required.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) 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]**;

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

-sd/-

30/07/2018

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

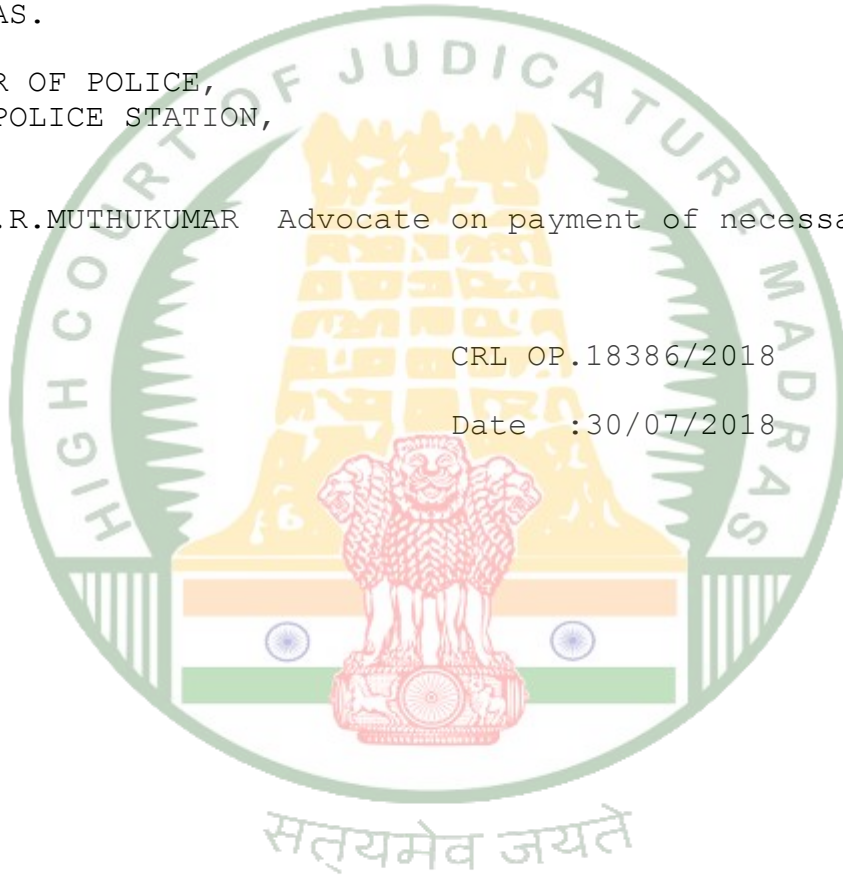
4 THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI.

+1 CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary
charges-Sr.14230

CRL OP.18386/2018

Date :30/07/2018

ths : 03.08.2018



WEB COPY