

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon'ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19265 of 2018

1 M.AVANESH KUMAR
2 M.SUJATHA

[PETITIONERS / ACCUSED]

vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
K-8 ARUMBAKKAM POLICE STATION,
CHENNAI
CR.NO.363 OF 2018.

For Petitioner : M/S.SUNDARRAJA MUKUND.M Advocate

For Respondent : MR. M.SURYA PRAKASH Govt. Advocate (CrI. Side)

For Intervener : MR.E.SIVAKUMAR Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 323, 294(b), 341 and 506(ii) of I.P.C. in Cr.No.363 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioners son and the defacto complainant's daughter are husband and wife. On 26.07.2018, a wordy quarrel arose between them and the same was informed to the defacto complainant by his daughter over telephone. Hence, the defacto complainant along with his son and car driver went to the house of the petitioners where he found his daughter lying on the floor and there was a white box with tablets removed strips near her. Immediately, the defacto complainant took his daughter to the hospital and on the basis of the complaint given by the defacto complainant, the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have more care over their daughter - in - law than the defacto complainant. He would further submit that earlier the petitioners' son filed a divorce petition before the Family Court, Chennai and the defacto complainant's daughter filed a complaint before the All Women Police Station, Thallakulam, Madurai

and based on that complaint a case in Crime No.25 of 2016 was registered and final report was filed in that case and it was taken on file by the learned Judicial Magistrate/ Additional Mahila Court (Magisterial Level) Madurai in C.C.No.160 of 2017.

4.The learned counsel would further submit that thereafter the petitioners' son withdrew the divorce petition and filed a quash petition before the Madurai Bench of Madras High Court in Crl.O.P. (Md) No.12702 of 2017 and the Madurai Bench of this Court referred the matter to Mediation and Conciliation Centre, Madurai Bench and the matter was amicably settled between the parties on 17.11.2017. However, for the reasons best known to the defacto complainant's daughter and the petitioners' son, there arose another dispute and the petitioners are no way connected with the incident.

5.The learned counsel appearing for the intervenor would submit that the petitioners caught hold of the defacto complainant's daughter forcibly and their son gave the tablets to her. Hence, they have committed grave offence against the defacto complainant's daughter.

6.The learned Government Advocate would submit that the victim has not been discharged from the hospital.

7.Considering the fact that this is a matrimonial dispute and future progress of re-union should not be affected, this Court is inclined to grant anticipatory bail to the petitioners.

8.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 Metropolitan Magistrate No-V, Egmore, Chennai, 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 first petitioner shall report before the respondent police daily at 6.30 p.m. for a period of one week and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent police as and when required for interrogation;

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

or trial;

(e) 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 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/-

07/08/2018

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.V, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-8 ARUMBAKKAM POLICE STATION,
CHENNAI

+2 CC to M/S.SUNDARRAJA MUKUND.M Advocate on payment of
necessary charges SR.NO. 14614

+1 CC to M/S.C.SIVA KUMAR Advocate on payment of necessary
charges SR.NO. 14582

CRL OP.19265/2018

Date : 07/08/2018

RD 10/08/2018