

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2064 of 2020

1 A.GANDHIMATHI
2 VENKATESH SHARMA

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
B1-TOWN POLICE STATION,
DHARMAPURI.
CRIME NO.811 OF 2019

[RESPONDENT]

For Petitioner : M/S. P. BAKIYARAJ Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 353, 355, 294 (b) and 506 (ii) of IPC in Cr.No. 811 of 2019 dated 17.12.2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Sub Inspector of Police, Dharmapuri Town Police Station . On 14.12.2019, the defacto complainant along with his team was sent to the petitioner's house to arrest her husband /A1. The petitioners along with A1 abused the defacto complainant with filthy language and threatened the team with veecharuval and assaulted the police with sandals. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would submit that in an earlier occasion the petitioner filed a petition seeking anticipatory bail in CrI.OP.No.1333 of 2020 wherein, the petitioner arrayed as A2, her husband is A1 and this Court imposed a condition to deposit a sum of Rs.3 lakhs for grant of bail. However, in the present petition it is not a cheating case, to prevent the law enforcing agency for carrying out their official duty, thereby, the police registered

a case. He would submit that in an earlier occasion the petitioners filed a petition for anticipatory bail in CrI.OP.No.34910 of 2019, which was dismissed as withdrawn on 13.01.2020 and there is change of circumstance, the second anticipatory bail application is filed by them.

4.The learned Additional Public Prosecutor would submit that the petitioners are arrayed as A2 and A3 and they restrained and obstructed the law enforcing agency officers for carrying out their official duty and investigation is still pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate-I, Dharmapuri, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the All Women Police Station daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(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 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;

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

-sd/-
03/02/2020

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.I,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B1-TOWN POLICE STATION,
DHARMAPURI.

5 THE OFFICER INCHARGE,
ALL WOMEN POLICE STATION.

+1CC to M/S. P. BAKIYARAJ Advocate on payment of necessary charges SR NO.2000

CRL OP.2064/2020

Date :03/02/2020

MK:10/02/2020

WEB COPY