

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2540 of 2020

1 KOTTEESWARAN
2 TAMILSELVAN
3 CHITRA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
KANCHEEPURAM.
CR.NO.23 OF 2020.

For Petitioner : M/S.B.THIRUMALAI 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 under Sections 294(b), 352, 420 of I.P.C. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Cr.No.23 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the third petitioner/ A3 is alleged to have borrowed a sum of Rs.3,85,000/- from self help group and did not repay the said amount. When the defacto complainant/ President of the self help group demanded the amount, the petitioners are alleged to have scolded the defacto complainant using filthy language. Petitioners 1 and 2 are the husband and son of the third petitioner. The petitioners are arrayed as A1 to A3 in this case.

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. The learned counsel on instructions, would further submit that the petitioners are ready to deposit a sum of Rs.2 Lakhs to the credit of the crime number, within a period of four weeks from the date of receipt of a copy of this order and would further submit that the said amount may be disbursed to the victims proportionately after obtaining appropriate affidavit.

4.The learned Additional Public Prosecutor would submit that investigation is pending.

5.Considering the fact that the petitioners are ready to deposit a sum of Rs.2 Lakhs, 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.2, Chengalpattu, 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 shall jointly deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of the Cr.No.23 of 2020 before the learned Judicial Magistrate No.2, Chengalpattu, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate No.2, Chengalpattu, shall disburse the amount in favour of the victims proportionately, after obtaining appropriate affidavit.

(b)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;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(f)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;

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

-sd/-
11/02/2020

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.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
KANCHEEPURAM.

CC to M/S.B.THIRUMALAI Advocate on payment of necessary charges
SR.NO.2645

CRL OP.2540/2020

Date :11/02/2020

RVR 17/02/2020

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