



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL ORIGINAL PETITION No.5611 of 2020

1 ASHOKKUMAR @ AJITH
2 RAMKUMAR @ PRASANTH

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
SEVVAPAT, TIRUVALLU RDISTRICT.
CR.NO.49/2020.

[RESPONDENT]

For Petitioner : M/S.C.PRAKASAM Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

- 1.The Petitioners herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 448, 294(b), 323, 324 of IPC read with Section 4 of the Tamil Nadu Women Harassment Act, in Cr.No.49 of 2020, have filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution, as per the defacto complainant, Saikumar are that the defacto complainant had got married with one Deepika, who is the daughter of A1. When the defacto complainant and the male Members in the family have gone out for work, the father of his wife and along with other accused had entered into the house and smothered his wife with a hand kerchief coated with anesthetic substance and when it was prevented by his sister in laws, they were assaulted by them. Hence, the Petitioners have been implicated as the accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioners and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the Petitioners, the Petitioners are strangers and since the Petitioners happen to be friends of A1, they have been roped into the case on hand falsely. A1 was arrested and enlarged on bail. Even as per the statement of the victim, it is her father,



who was said to have smothered her with a hand kerchief coated with anesthetic substance and threatened them, with dire consequences and there is no allegation against the Petitioners. The victim had been discharged from the Hospital. The Petitioners would abide by any conditions to be imposed by this Court for enlarging the Petitioners on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that the father in law of the defacto complainant took away his wife by force from the house, by smothering her with a hand kerchief coated with an anesthetic substance and there is no previous case against the Petitioners.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioners, however, on stringent conditions. Accordingly, the Petitioners are hereby ordered to be released on anticipatory bail, in the event of their arrest or on their appearance before the Judicial Magistrate II, Tiruvallur, within 15 days from the date of receipt of a copy of this order and further on each of the Petitioners complying with the following conditions, without fail:-

- i. If the Petitioners fail to surrender before the Judicial Magistrate II, Tiruvallur, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.
- ii. Each of the Petitioners 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 Judicial Magistrate II, Tiruvallur. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
- iii. The Petitioners shall report before the Respondent Police, daily at 10.30 a.m. until further orders.
- iv. The Petitioners shall not abscond either during the investigation or the trial. The Petitioners shall not tamper with evidence or witness, either during the investigation or the trial.
- v. On breach of any of the aforesaid conditions, the concerned 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 are released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560**

(P.K.Shaji Vs. State of Kerala).



vi.If the Petitioners, thereafter, abscond, a fresh First Information Report shall be registered, under Section 229A of IPC.

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-sd/-
16/03/2020

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, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
SEVVAPAT,TIRUVALLU RDISTRICT.

+2 CC to M/S.C.PRAKASAM Advocate on payment of necessary charges SR.NO. 5115

CRL OP.5611/2020

Date :16/03/2020

RD 20/03/2020