

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.6895 of 2020

D.GOHIN

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU [RESPONDENT]
REP BY THE INSPECTOR OF POLICE,
THIRUMULAVOYIL POLICE STATION,
THIRUVALLUR DISTRICT
(CRIME NO 146/2020)

For Petitioner : M/S. C.K.M.APPAJI Advocate

For Respondent : MR.S.THANKIRA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner herein apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 IPC r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.146 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of petitioner/accused, and they both lived in her parent's house since their marriage i.e., on 25.05.2018. It is alleged in the FIR that the defacto complainant gave Rs.5,80,000/- to the petitioner for constructing a house at his native place by mortgaging her jewels, and that on 22.02.2020, when the petitioner returned home, she demanded his monthly salary, due to which, a quarrel arose between the couple and the petitioner scolded and abused her in a filthy language and pushed her down. On seeing this, the family members of the defacto complainant intervened and there was a handy quarrel among the petitioner and her family members. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person, and he has been ill-treated by the family members of the defacto complainant. He further added that on the date of incident, his entry to the house was obstructed, and the petitioner was brutally attacked with iron rod by the family members

of the defacto complainant, owing to which, he sustained grievous injury, and thereafter, he was given treatment in KMC hospital for 9 days. Recording the statement of the petitioner, the respondent has registered a case, in Crime No.145 of 2020 against the defacto complainant and her family members. Hence, as a case in counter, the present FIR came to be registered. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that it is a case of matrimonial dispute and threat, and that a counter case in Crime No.145 of 2020 is pending against the defacto complainant, before the respondent police. However, she opposed this Court granting anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of thirty days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Ambattur, on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. In view of the COVID-19 threat perception, this Court directs the respondent police not to conduct any enquiry on the petitioner, till COVID-19 threat perception and the protocol, which the Government issue subsists. The petitioner is also directed to strictly adhere to the conditions set out under Section 438 Cr.P.C., and also stay home bound / quarantined during the period when COVID-19 threat perception.

-sd/-
24/03/2020

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
THIRUMULAVOYIL POLICE STATION,
THIRUVALLUR DISTRICT
(CRIME NO 146/2020)

CC to M/S. C.K.M.APPAJI Advocate on payment of necessary charges

WEB COPY

CRL OP.6895/2020

Date :24/03/2020

RD 27/05/2020