

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENATESH

Crl OP Nos.6963 and 7002 of 2020

1.K.Ramaswamy, M/A 75 years,
S/o Karupaiya T.N.,
Residing at 22/165, 3rd Main Road,
AGS Colony, Velachery,
West Chennai 600 042.

2.R.Kasiram, M/A 63 years,
D/o V.Kanhaswamy,
Residing at 22/165, 3rd Main Road,
AGS Colony, Velachery,
West Chennai 600 042.

.. Petitioners/Accused(A2-A3)
in Crl.O.P.No.6963 of 2020

Venkataraman, M/a 28 years,
S/o K.Ramaswamy,
Residing at 22/165, 3rd Main Road,
AGS Colony, Velachery,
West Chennai 600 042.

.. Petitioner /Accused 1
in Crl.O.P.No.7002 of 2020

/versus/

The State Rep.by
Inspector of Police,
W-20, Saidapet Women Police Station,
Chennai,
Crime No.5 of 2020.

.. Respondent/Complainant
in both cases

Common Prayer: Criminal Original Petitions have been filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory

bail in the event of their arrest in Crime No.5 of 2020 pending on the file of respondent police station.

For Petitioners :M/s Nathan and Associates
(In both cases)

For Respondent :Mr.M.Mohammed Riyaz,
(In both cases) Additional Public Prosecutor

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 498 (A), 354(B) and 406 IPC and Section 4 of Tamil Nadu Prevention of Harassment against Women Act in Crime No.5 of 2020, seeks for grant of Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent Police.

3.Considering the facts and circumstances of this case and also the specific stand taken by the respondent Police to resort to the procedure under Section 41A of the Code of Criminal Procedure, this Court directs the respondent Police to follow the procedure set out in Section 41A of the Code of Criminal Procedure. The respondent Police shall issue an appearance notice to the accused in the form and manner set out in the proceedings of the Director General of Police, Tamil Nadu, viz., the Circular Memorandum

in RC.No.000252/Crime 4(2)/2019 dated 30.01.2019, as amended vide Circular Memorandum RC.No.000252/Crime 4(2)/2019 dated 07.02.2019. The petitioners shall comply with the terms of the notice and shall also co-operate with the investigation.

4. If the petitioners comply and continue to comply with the terms of the notice, they shall not be arrested for the offences referred to therein. If, however arrest is deemed necessary, after the appearance of the petitioners, the Investigation Officer shall record reason for such an eventuality as contemplated under Section 41A (3) of the Code of Criminal Procedure, and shall adhere to the directions set out by this Court in ***State .Vs. Nakeeran Gopal*** reported in ***[2019 1 LW (Crl.) 26]***

5. If the petitioners evade service of appearance notice or fail to comply with the terms of the notice or appear to be unwilling to identify themselves when called upon, it shall be open to the respondent Police to proceed under Section 41A(4) of the Code of Criminal Procedure, to arrest the accused.

6. Accordingly, these Criminal Original Petitions are disposed of with the aforesaid direction.

09.06.2020

Index:yes/no

Speaking order/non speaking order
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To:

- 1.The IX Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police, W-20, Saidapet Women Police Station, Chennai,
- 3.The Public Prosecutor, High Court, Madras.

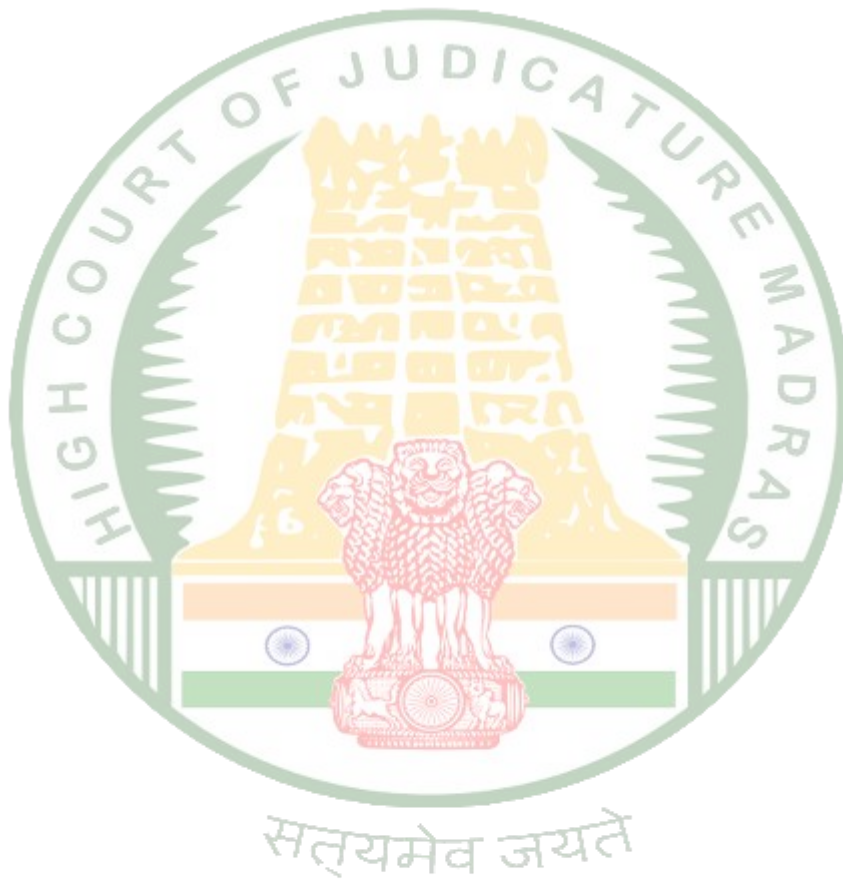


N.ANAND VENATESH,J

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09.06.2020

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