

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2020

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THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9055 of 2020

1.Kamala

2.Nanthini

... Petitioners

-VS-

The State Rep by
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No. 562 of 2020 on the file of the respondent police.

For Petitioners : Mr. P.K. Ganesh

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 27.05.2020 for the offence punishable under Sections 294(b) and 323 of the Indian Penal Code, 1860, and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No. 562 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, the Petitioners along with other accused abused the de-facto complainant and his relatives and assaulted them with hands. The Petitioners were arrested and remanded to judicial custody on 27.05.2020.

3.The learned counsel for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. He would further submit that the Petitioners are in judicial custody from 27.05.2020 and would seek for bail.

4.The learned Additional Public Prosecutor would submit that the Petitioners along with other accused abused the de-facto complainant and his relatives and assaulted them with hands, and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case, this Court is inclined to grant bail to the Petitioners subject to the following conditions:-

(a) Accordingly, the Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.1, Krishnagiri within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the Petitioners shall report before the Respondent Police as and when required for investigation;

(e) the Petitioners shall not commit any offences of similar nature;

(f) the Petitioners shall not abscond either during investigation or trial;

(g) the Petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) the Petitioners shall not venture out of the house;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

24.06.2020

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Index: Yes/No

Internet: Yes/No

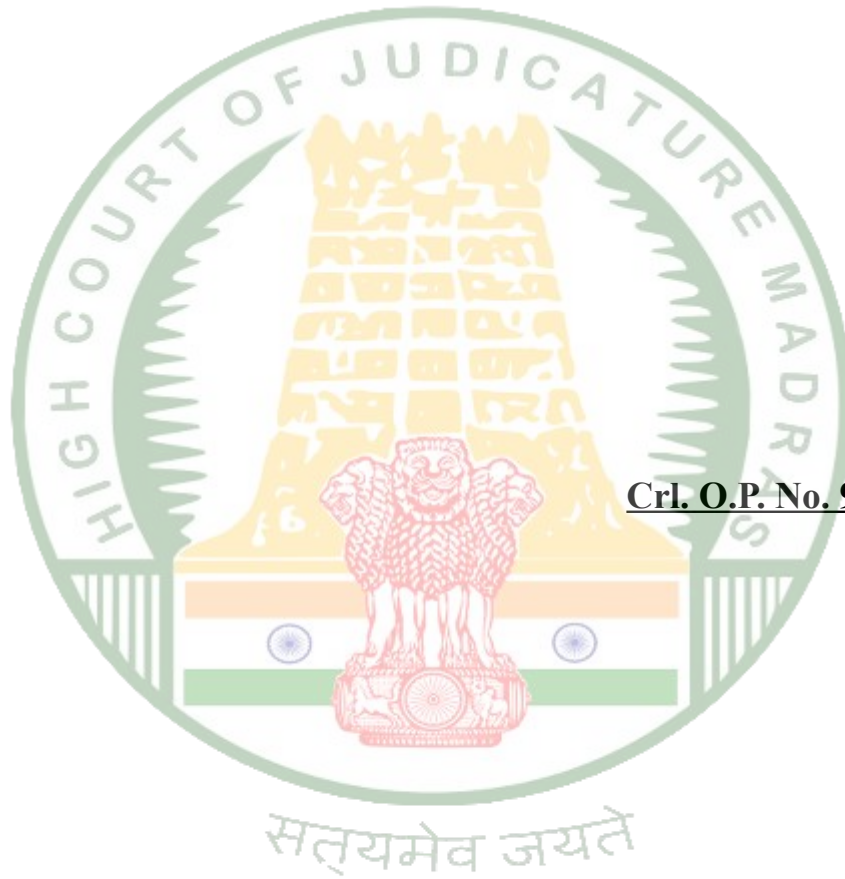
Speaking order/Non-speaking order

To

1. The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
2. The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.
3. The Judicial Magistrate No.1,
Krishnagiri.
4. The Superintendent of Prison,
Central Women Prison,
Salem.

A.D. JAGADISH CHANDIRA, J.

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