

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Cr1.O.P.No.10118 of 2020

1. Mutharasu
2. Aswini

... Petitioners/A1 & A2

Vs.

The State Rep. by,
The Inspector of Police
Sriperumbudur Police Station,
Kancheepuram District.
Crime No.1301/2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.1301 of 2020 on the file of the respondent police.

For Petitioners : Mr. R. Rajasekaran

For Respondent : Mr. M. Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506 (ii) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 (1) TNPPDL Act in Crime No.1301 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was working as a car driver to the husband of the defacto complainant viz., Mrs.Mahalakshmi and the 2nd petitioner is his wife and both were living in a rented house in the ground floor of the complainant's house. On 09.06.2020, the petitioners picked up a quarrel with the defacto complainant by demanding money which lead to altercation between them following which, the 1st petitioner pushed the defacto complainant and kicked on her stomach. Thereafter, the petitioners damaged the wind screen of the defacto complainant's car and ran away from the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are husband and wife and the 1st petitioner was working as a car driver to the defacto complainant's husband viz., Udayakumar. During his service, salary was paid to the 1st petitioner after deducting rental amount and other incidental expenses. Thereafter, the 1st petitioner was stopped from service few months before. The petitioners had gone to their house at Kancheepuram and the rental house was kept locked in their absence and the salary was also not paid. Whenever, the petitioners demanded the salary, his owner/Udhayakumar dragged the payment on account of COVID-19. For the same reason, the 1st petitioner was also not having any work by this time. Thereafter, the said Udhayakumar assured to make the payment on 09.06.2020. Hence both the petitioners went to meet Udhayakumar at his house. But they were driven out by the defacto complainant that they were not allowed to enter into their house which lead to altercation and that the petitioners did not commit any offence as alleged by the prosecution. In order to avoid payment of salary, a false case has been foisted against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a quarrel between the petitioners and the defacto complainant during which, the petitioners damaged the wind screen and also portion of the car belonging to the defacto complainant and caused damages worth about Rs.70,000/-. He would further submit that there is no previous case as against the petitioners and that the victim has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.70,000/- (Rupees seventy thousand only) jointly, to the credit of Crime No.1301/2020, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Judicial Magistrate, Sriperumbudur, on condition that the petitioners shall execute a separate 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 condition that:

[a] the petitioners 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 petitioners shall deposit a sum of Rs.70,000/- (Rupees seventy thousand only) jointly, to the credit of Crime No.1301/2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

-sd/-

03/07/2020

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

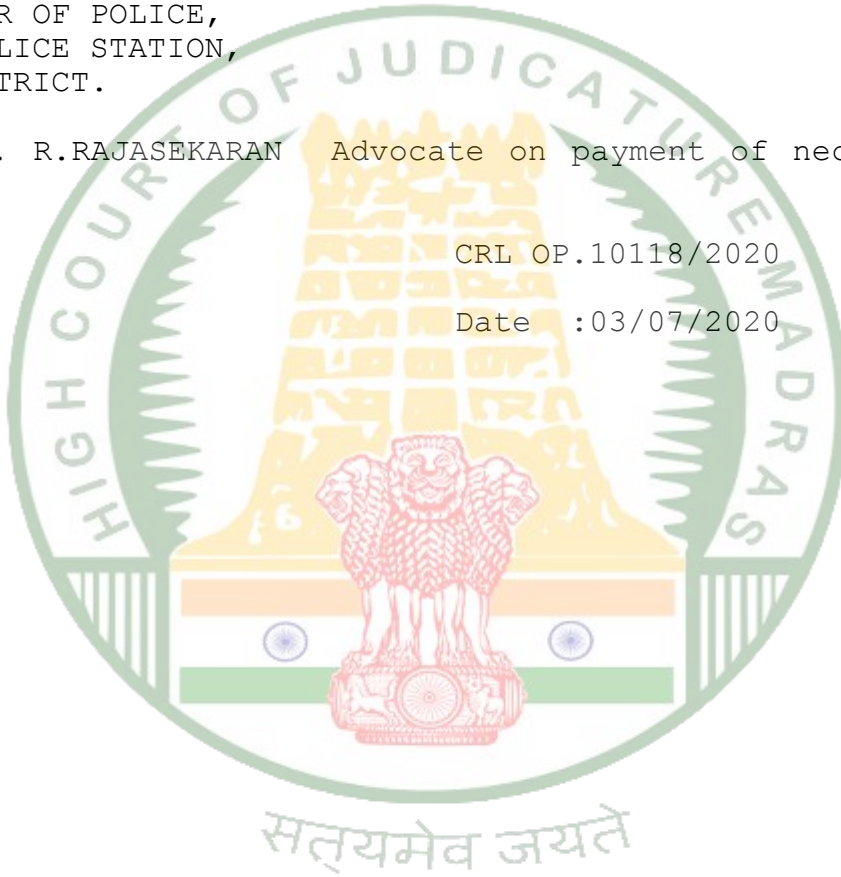
4 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. R.RAJASEKARAN Advocate on payment of necessary
charges

CRL OP.10118/2020

Date :03/07/2020

MK:17/08/2020



WEB COPY