

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10166 of 2020

A.Thankachan Zachariah Fernandez

... Petitioner

- Vs. -

State By

The Inspector of Police,
Selaiyur Police Station,
Selaiyur, St. Thomas Mount.
(Crime No.160 of 2020).

.... Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of arrest in Crime No.160 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.160 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioner abused the de facto complainant and threatened her.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the de facto complainant are relatives and that due to a quarrel, a false case has been foisted against the petitioner. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent police would submit that the petitioner and the de facto complainant are relatives and that the petitioner had abused the defacto complainant with filthy language and threatened her.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Tambaram on condition that the petitioner 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 petitioner and 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;

(b) the petitioner shall report before the respondent police daily at 10.30.a.m for a period of two (2) weeks 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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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

-sd/-

07/07/2020

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,
NO.I, TAMBARAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTORE OF POLICE,
SELAIYAR POLICE STATION,
SELAIYUR, ST. THOMAS MOUNT

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

CRL OP.10166/2020

Date :07/07/2020

RVR 02/09/2020



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