

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10524 of 2020

D.Ezhilarasi,

W/o.Late. Ramu @ Radhakrishnan

... Petitioner

Vs.

State rep by

The Sub-Inspector of Police,
Karaikal Town Police Station,
Karikal.

Crime No.244 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest in Crime No.244 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Govindaraju

For Respondent : Mr.V.Balamuruga

Additional Public Prosecutor (Pondicherry)

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 offences punishable under Sections 387 and 34 of IPC in Crime No.244 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vengadesaperumal is that, he owns a liquor business and is having a warehouse and office in the name of Jenitha Liquors. He has been doing business transaction with one Nagarajan/A1 who is also engaged in the same business and there are some financial transactions between them and he has to pay Rs.57 lakhs to A1. On 08.07.2020, the said A1 along with one Balamurugan and Thirulogachandiran who are arrayed as A3 and A4 respectively, barged into the office and tried to extort the pending due amount of Rs.57 lakhs from the defacto complainant, threatening him stating that they were sent by the

petitioner/A2 and they have stated that if the amount is not repaid, he has to face the consequences and he will not be spared by A2 Ezhilarasi. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and due to political vendetta, several cases have been foisted against her and in all the cases, she has been enlarged on bail. He would further submit while she was on bail, she was harassed and hounded by the T.R.Pattinam Police continuously in respect of certain civil litigation which were pending between her and one R.Ajesh Ram who is the son of her husband. Unable to bear the harassment, the petitioner had filed CrI.O.P.No.21593 of 2019 before this Court seeking for direction to the T.R.Pattinam Police, not to harass her. On 09.08.2019, when the matter had come before this Court, the T.R.Pattinam Police had given an undertaking that they will not interfere in the civil dispute pending between the petitioner and the said Ajesh Ram and based on the undertaking given by the T.R.Police, this Court had closed the petition on the same day. Strangely after giving undertaking before this court, the Sub Inspector of Police, T.R.Pattinam Police Station, in total violation of the undertaking, barged into the property of the petitioner by breaking open the lock and also damaged the CCTV Camera and other articles inside the premises. Since, the act was committed in violation of the undertaking given before this Court, the petitioner had on 09.06.2020, sent a contempt notice to the Sub Inspector of Police, T.R.Pattinam Police Station, under Section 12 of the Contempt of Courts Act 1971. On receipt of the notice, the Sub Inspector of Police, T.R. Pattinam Police Station, got enraged and antagonised and in order to take vengeance and to put pressure on the petitioner to withdraw the contempt notice, have influenced the present respondent to implicate the petitioner in this case. The petitioner is witch haunted by the police for obvious reasons. He would further submit that reading of FIR would show that the petitioner was nowhere present in the scene of occurrence and the other accused have for reasons best known to them, have dropped her name during conversation and the petitioner has no connection what so ever with the other accused. He would further submit that the petitioner is prepared to abide by any stringent conditions and prepared to co-operate with the respondent in their investigation. Therefore, he prays for anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter. Mr.V. Balamurugane, Additional Public Prosecutor would vehemently oppose to grant anticipatory bail to the petitioner stating that the petitioner is a leader of a gang and she has been conducting Katta-Panchayat and involved in other anti-social activities through henchmen in an organized manner. He would further submit that the petitioner was earlier detained under the Puducherry Prevention of Anti-Social Activities Act 2008 during the year 2017 and 2020 and that there are several cases pending against her before various Stations in Puducherry. The petitioner is in the habit of involving in Katta-Panchayat and that on 08.07.2020, she along with other accused had threatened the defacto complainant and extorted him to pay the amount due to A1. The other accused had stated that if the amount is not

paid, the life of the defacto complainant will not be spared.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is continuously harassed by the respondent and that the detention orders passed against the petitioner have been quashed by this Court and only to harass the petitioner, they have added her name in this case. He would further reiterate that the petitioner is prepared to abide by any stringent conditions imposed by this Court.

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

7. Accordingly, the petitioner is directed to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II-cum- Additional District Munsif Court, Karaikal, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] meanwhile the petitioner shall stay at Pondicherry and report before the D.Nagar Police Station, Pondicherry, daily at 10.30 a.m., and 5.30 p.m., until further orders.

[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 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.

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

-sd/-
21/07/2020

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.II, CUM ADDITIONAL DISTRICT MUNSIF COURT,
KARAIKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE REP. BY
SUB-INSPECTOR OF POLICE, KARAIKAL TOWN
POLICE STATION, KARAIKAL, (CRIME NO.244 OF
2020).

4 THE OFFICER INCHARGE
D-NAGAR POLICE STATION,
PONDICHERRY

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

WEB COPY

CRL OP.10524/2020

Date :21/07/2020