

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.11008 of 2020

1. K. Ramesh
2. R. Karuna
3. K. Lakshmi
4. S. Selvi
5. K. Prakash

... Petitioners

Vs.

The State Represented by,  
The Inspector of Police,  
Padalam Police Station,  
Kancheepuram District.  
Crime No.1047 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.1047 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. R. Sasikumar

For Respondent : Mr. M. Mohammed Riyaz,  
Additional Public Prosecutor

ORDER

(This 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 4(1) (aa) of TNP Act, 294(b), 353, 506(1) and 120B of IPC in Crime No.1047 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Suriya is that she was married to one Arasu. The said Arasu had developed illicit intimacy with his brother's wife and when it was questioned by the defacto complainant, all the accused persons have harassed and abused her due to which, she attempted to commit suicide by pouring kerosine on her body and setting her ablaze. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and there was a dispute between the defacto complainant and her husband due to which, she attempted suicide by setting her ablaze and she has given a false complaint as

if, her husband had illicit relationship with the wife of his brother. He would further submit that the petitioners are living elsewhere and the defacto complainant and her husband are living elsewhere. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners are the relatives of the husband of the defacto complainant. He further submit that the defacto complainant's husband had developed illicit intimacy with his brother's wife and there was a quarrel between them during which, the accused persons have harassed the defacto complainant and abused her with filthy language due to which, she attempted to commit suicide by setting her ablaze. Hence he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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, Chengalpattu, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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/A2 to A4 shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners/A1 and A5 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[f] 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].

[g] 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/-  
24/07/2020

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, CHENGALPATTU

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
PADALAM POLICE STATION,  
KANCHEEPURAM DISTRICT.

CC to R.SASIKUMAR Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.11008/2020  
Date :24/07/2020

RVR 16/09/2020