

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

CrI.O.P.No.11714 of 2020

1.Duraisamy
S/o.Kollapuri
2.Priya
W/o.Prakash
3.Paripuranam
W/o.Duraisamy

.... Petitioners

Vs.

State rep. by its
The Inspector of Police,
Kanakammachatram Police Station,
Thiruttani Taluk,
Thiruvallur District.
(Crime No.1512 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant an order of Anticipatory bail directing the petitioners to enlarge them on bail in the event of their arrest by the respondent police in connection with the above Crime No.1512 of 2020 on the file of the respondent police herein.

For Petitioners : Mr.D.Saikumaran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 323, 324 IPC r/w. 4 of Women Harassment Act in Crime No. 1512 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nanthini is that there was a dispute between her husband and his relatives in respect of a land. Prior to the present case i.e. on 14.07.2020, a complaint was given by one Prakasha that the defacto complainant's husband had caused damage to the harvesting machine of one Prakasha. Subsequently, the defacto complainant's husband was

called by Kanakammachatram Police Station for enquiry. At that time, the petitioners had told that her husband will be assaulted by the police if he goes to the police station due to which, there was a quarrel between them during which, the petitioners had assaulted the defacto complainant's husband and also assaulted her by kicking on her stomach. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given due to enmity. On the previous day to the date of occurrence, the defacto complainant's husband had created ruckus and damaged the harvesting machine belong to the petitioner's family. In respect of which, a complaint was given to the Kanakamma Chatram Police Station. On coming to know that about the same, an exaggerated false complaint has been given by the defacto complainant based on which the case was registered in Crime No.1512 of 2020. He would further submit that the petitioners are prepared to abide by any stringent condition. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to property dispute, the petitioners have quarrelled with the defacto complainant and her husband and assaulted them. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the Judicial Magistrate, Thiruttani, 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 report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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].

[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/-

04/08/2020

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,
THIRUTTANI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANAKAMMACHATRAM POLICE STATION,
THIRUTTANI TALUK,
THIRUVALLUR DISTRICT.

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

CRL OP.11714/2020

Date :04/08/2020

RD 03/09/2020