

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.11285 of 2020

1. Kalyani
2. Jeyachandran

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Kunnam Police Station,
Perambalur District.
Crime No.1024 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.1024 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. C. Prabakaran

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

ORDER

(This 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), 355 and 306 of IPC in Crime No.1024 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Dharmaraj is that there was a quarrel between his mother and the accused during which, the accused have assaulted her with chapels and being humiliated if mother committed suicide by hanging. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the fact remains that the victims husband was living in abroad and she had developed illicit intimacy with the husband of the first petitioner and when it was questioned by the villagers she committed suicide by

hanging and that the son of the deceased name has falsely implicated the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a quarrel between the victim and the deceased on account of the relationship between the deceased and the husband of the first petitioner. During the quarrel, the first petitioner has slapped the victim with slippers and being humiliated she committed suicide by hanging. Further he would submit that the investigation is still pending. Hence, he opposed for 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.II, Perambalur, 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 stay at Perambalur Town and report before the Perambalur Town Police Station every day at 10.30 a.m., until further orders.

[c] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
30/07/2020

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, PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERUMBALUR DISTRICT.

4 THE OFFICER INCHARGE
PERAMBALUR TOWN POLICE STATION,
PERAMBALUR TOWN.

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

WEB COPY

CRL OP.11285/2020

Date :30/07/2020

cs 25/08/2020