

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.11836 of 2020

S. Sudharshan

... petitioner

Vs.

The State Represented by,
The Inspector of Police,
M-5 Ennore Police Station,
Thiruvallur District.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.3511 of 2020 pending on the file of the respondent Police.

For petitioner : Mr. S. Giritharan

For Respondent : Mr. M.Mohamed Riyaz
Additional Government Pleader

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 294(b), 341, 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1988 Act in Crime No.3511 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she is a corporation staff and she approached the sister of the petitioner, who is a covid patient to come to quarantine centre, but, the sister of the defacto complainant restrained the defacto complainant and assaulted her and abused her with filthy language. Hence the case.

3. The learned Counsel for the petitioner would submit that there is no evidence with the defacto complainant to believe that she is a corporation staff and further she does not have any report indicating that the petitioner's sister is a Covid patient. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the

4. The learned Additional Government Pleader would submit that the petitioner assaulted the defacto complainant who came to his house to take her sister to the quarantine centre, who was in home quarantine. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his 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, Thiruvottiyur, Thiruvallur District on condition that the petitioner shall execute a 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] the petitioner shall report before the respondent police every day at 10.30 a.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 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/-

06/08/2020

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,
THIRUVOTTIYUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
M5 ENNORE POLICE STATION,
THIRUVALLUR DISTRICT.

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

CRL OP.11836/2020

Date : 06/08/2020

RVR 21/09/2020

सत्यमेव जयते

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