

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.12225 of 2020

P. Kannammal

... Petitioner

Vs.

State rep by

The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.65 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Venkat

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections
306 IPC, in Crime No.65 of 2020, on the file of the respondent
police, seeks anticipatory bail.

2. The case of the prosecution is that the victim and the
petitioner are relatives and due to a family dispute the victim was
said to have been assaulted with cheppals and broomstick by the
petitioner and the other accused and the victim has committed
suicide. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the
petitioner was earlier granted anticipatory bail in Cr1.O.P.No.4296
of 2020 on 26.02.2020. However, due to the old age of the petitioner
and she having suffered bone injury was not able to surrender before
the Court and execute the surety and the other accused have complied
with the conditions. Therefore, he prays for grant of anticipatory
bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and the other accused caused humiliation on the defacto complainant's father by assaulting him with cheppals and broomsticks and induced him to commit suicide by hanging. He further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the petitioner has been granted anticipatory bail earlier and was unable to appear before the concerned Court due to the bone injury suffered and that there is no previous case pending against the petitioner, 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 District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District on condition that the petitioner 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 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 daily at 10.30 a.m. for a period of one week and thereafter as and when required 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

14/08/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
KALASAPAKKAM,
THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.12225/2020

Date :14/08/2020

cs 04/09/2020

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