

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12442 of 2020

R.Chandrasekaran

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.

Crime No.1070 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No. 1070 of 2020 on the file of the respondent.

For Petitioner : Mr.R.C.Paul Kanagaraaj

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

(The 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), 427, 506(i) of IPC, in Crime No.1070 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case the prosecution as per the defacto complainant viz., Sumathira, is that she had married the petitioner twenty years back and they are having two children and for the past 45 days there was some misunderstanding between the her and her husband. Whiles, on 30.06.2020, her husband had come to shop and abused her in filthy language and caused damage to the tailoring machines and the articles in the tailoring shop. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, due to matrimonial dispute, a false complaint has been given against the

petitioner. He would submit that now due to the intervention of the elders, the matter has been compromised and the petitioner is staying with his wife. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is the husband of the defacto complainant has abused his wife in filthy language and caused damage to the tailoring shop, which worth Rs.80,000/-. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant 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 Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mayiladuthurai., on condition that petitioner 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 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., for a period of two weeks and thereafter as and when required for interrogation.

[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/-
18/08/2020

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 NO.I,
MAYILADUTHURAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAYILADUTHURAI P.S.,
NAGAPATTINAM DISTRICT.

CC to M/S. R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges

CRL OP.12442/2020

Date:18/08/2020

MK:04/09/2020

WEB COPY