

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12653 of 2020

Deeneesh  
S/o.Damodaran

... Petitioner

Vs.

State Rep. By its  
The Inspector of Police,  
S-11 Police Station,  
Tambaram, (ST.Thomas Mount)  
(Crime No.40 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of his arrest  
in Crime No.40 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.S.Saravanan  
For Respondent : Mr.M.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 offences punishable under Sections 341, 294 (b), 323 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.40 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant one Selvi that on 25.01.2020 while she was returning back home along the house of the petitioner, the petitioner had waylaid her and abused in filthy language and assaulted her in an inebriated condition. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him by the defacto complainant. He would also submit that the defacto complainant was earlier working as maid in the house of the petitioner and she committed theft of 23 sovereigns of jewels from the house of the petitioner and thereby the petitioner's father Dhamodharan had given a complaint against the defacto complainant on 27.09.2019. The respondent without registering the case conducted enquiry in CSR.No.794 of 2019. He would further submit that as a

counter blast a false complaint has been given by the defacto complaint to escape from the earlier complaint. However, now the respondent police registered the case in Cr.No.41 of 2020 against the defacto complainant based on the earlier complaint given by his father dated 27.09.2019. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant was earlier working as a servant maid in petitioner's house and she was suspected to have committed theft of 23 Sovereign gold jewels, for which a case in Cr.No.41 of 2020 has been registered against her for the offence under Section 381 of IPC. Whiles, the petitioner seeing the defacto complainant in front of his house, assaulted her with hands and abused with filthy language.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered 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, Tambaram, 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 daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday 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 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, the Criminal Original Petition is ordered.

-sd/-  
20/08/2020

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, TAMBARAM

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
S-11 POLICE STATION,  
TAMBARAM, (ST.THOMAS MOUNT),  
CRIME NO.40/2020.

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

सत्यमेव जयते

CRL OP.12653/2020

Date :20/08/2020

RD 11/09/2020

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