

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13149 of 2020

1. Mani
2. Maheswari
3. Ganesan
4. Kamesh
5. Jagan Rajan

... Petitioners

Vs.

State Rep. by
The Inspector of Police
W8, All Women Police Station,
Thirumangalam, Chennai.
(Crime No.13 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.13 of 2020, on the file of the respondent police.

For Petitioners : Mr. A. Gokulakrishnan

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 354, 354(A), 323, 324 of I.P.C. in Crime No.13 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant got married to the third petitioner on 21.06.2012 and they have two children aged about 8 and 6 respectively. The allegation is that the petitioners are husband and in-laws of the defacto complainant and the in-laws have abused her and harassed her in a filthy language. A specific allegation against the fourth petitioner is that he has attempted to outrage the modesty of the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the family dispute has been exaggerated by the petitioners. He would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the third petitioner, who is the husband of the defacto complainant has rejoined and is now living with the defacto complainant. Hence, he pray for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners 1 and 2 are the in-laws of the defacto complainant and the third petitioner is the husband of the defacto complainant and the fourth and fifth petitioners are the brother-in-laws of the defacto complainant. He would submit that the defacto complainant got married to the third petitioner on 21.06.2012 and they have two children aged about 8 and 6 respectively. He would further submit that there was a matrimonial dispute and the fourth respondent has attempted to outrage the modesty of the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned 10th Metropolitan Magistrate, Egmore, on condition that each of 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 first and second petitioners shall report before the respondent police at 10.30.am. for a period of one week and thereafter as and when required for interrogation and

[c] the third, fourth and fifth petitioners shall report before the respondent police at 10.30.a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness or them during investigation or trial.

[d] the petitioners 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.

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

-sd/-

28/08/2020

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 10TH METROPOLITAN MAGISTRATE,
EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI 600 104.

3 THE INSPECTOR OF POLICE,
W8, ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI.

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

CRL OP.13149/2020

Date :28/08/2020

MK:15/09/2020