

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13418 of 2020

1. Murali
2. T. Maya
3. M. Lakshmi
4. M. Kanchana
5. P. Sujatha
6. V.Meenakshi

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
C5, Vengal Police Station,
Thiruvallur District.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.1963 of 2020 on the file of the respondent police.

For Petitioners : Mr. E. Raj Thilak

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 publishable under Sections 147, 294(b), 306, 116 of IPC read with 4 of Women Harassment Act was altered to 147, 294(b), 306 IPC read with 4 of Women Harassment Act, 1998, in Crime No.1963 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Senthil kumar is that on 13.08.2020 in respect of encroachment of a common burial ground that there was a dispute between the villagers and one Murali(A1). While so, on 18.08.2020 around 4.00 p.m., the defacto complainant's wife had gone to the grocery shop at that time, the said Murali along with his mother and wife who is a Panchayat president along with his sister and others have abused the defacto complainant with filthy language and also abetted her to commit suicide due to which, the wife of the defacto complainant had attempted to commit suicide by hanging herself in her brother's house. Thereafter, she was taken to the hospital and she was admitted in the Stanley hospital. Hence, the complaint was

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to previous enmity. He would further submit that there was a dispute between two groups of villagers in respect of the encroachment in a burial ground and two cases in Crime Nos.1944 of 2020 and 1945 of 2020 have been registered by the respondent police. While so, the wife of the defacto complainant attempted to commit suicide at her brother's house for the reasons best known to her. Taking advantage of the situation, the defacto complainant in order to harass the entire family members has given a false case as if the petitioner, his mother, wife and sisters have abused the defacto complainant's wife and abetted her to commit suicide. He would further submit that the entire case has been foisted on account of political animosity.

4. The learned Additional Public Prosecutor would submit that there was dispute between the two groups of village in respect of a burial ground and that on 18.08.2020 when the defacto complainant's wife had gone to the grocery shop, the accused had abused his wife in a filthy language and abetted her due to which the defacto complainant's wife attempted to commit suicide in her brother's house by hanging. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel on either side, this Court is not inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate No.II, Thiruvallur, 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 petitioners shall stay at Arakkonam and report before the Arakkonam Police Station everyday at 10.30. a.m and 12.30 p.m. for a period of three weeks and thereafter every Monday at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either 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 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 direction, this Criminal Original Petition is ordered.

-sd/-

01/09/2020

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.II, THIRUVALLUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
C-5, VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.E.RAJ THILAK Advocate on payment of necessary charges

WEB COPY

CRL OP.13418/2020

Date :01/09/2020

RVR 22/09/2020