

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13549 of 2020

R.J.Kanagavalli

... Petitioner

Vs.

The State of Tamil Nadu,

Rep. By its the Inspector of Police,

Valasaravakkam Police Station,

Chennai.Crime No.48 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to grant anticipatory bail in the event of her arrest concerned in Crime No.48 of 2020 on the file of the respondent herein.

For Petitioner : Mr.P.Raja

For Respondent : Mr.M.Mohamed Riyaz

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 294 (b) and 506(i) of IPC r/w. Section 66 of the Information Technology Act, in Crime No.48 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner, who is the wife of the de-facto complainant, has posted an abusive status about him in WhatsApp. Hence the complaint.

3. The learned counsel for the petitioner would submit that it is a matrimonial dispute. He would further submit that the said message was sent only a retaliation, as the de-facto complainant has sent several abusive messages to the petitioner from various numbers.

4. The learned counsel would further submit that on 31.10.2019, the de-facto complainant along with rowdy elements came to the petitioner's parents' house and manhandled them. Hence, the petitioner's mother lodged a complaint against the de-facto complainant and a case was registered against him. In retaliation, the de-facto complainant has given the present complaint. Therefore, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is the wife of the de-facto complainant, has posted an abusive message against the de-facto complainant in WhatsApp. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Heard the learned counsels appearing on either side and perused the materials on record.

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

8. Accordingly, the petitioner is directed to be released on bail in the event of her arrest or on her 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 Judicial Magistrate No.I, Poonamallee, on condition that the 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 everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
10/09/2020

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.I,
POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALASARAVAKKAM POLICE STATION,
CHENNAI.

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

CRL OP.13549/2020

Date :10/09/2020

GKS:22/09/2020