

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.13675 of 2020

1. Sumathi
2. Mathavan
3. Porselvam
4. Sivakumar

... Petitioners

Vs.

The State rep by its,
The Station House Officer,
Kottucherry Police Station,
Karaikkal,
Puducherry State.
Crime No.131/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.131 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Murugabharathi.

For Respondent : Mr.Balamurugane,
Additional Public Prosecutor,
Puducherry

O R D E R

(This 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 188 and 506 IPC r/w. 34 IPC, in Crime No.131 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, namely, Sudha is that the husband of the first petitioner Vijayan misbehaved with her daughter and on the complaint given by the defacto complainant, case was registered against the said Vijayan in Crime No.126 of 2020 under Section 8 of POCSO Act. The first petitioner is the wife of Vijayan and the other petitioners who are the relatives of Vijayan threatened the defacto complainant not to give complaint. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Due to previous enmity, the defacto complainant had given a false complaint against her husband and the case was registered in Crime No.126 of 2020 and based on the false complaint given by the defacto complainant, the first petitioner's husband Vijayan committed suicide and due to which there was commotion in the family. The first petitioner had lost her husband on the false complaint and she is also facing another false complaint. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the husband of the first petitioner misbehaved with the daughter of the defacto complainant in respect of which Crime No.126 of 2020 has been filed. The other petitioners who are the relatives of the Vijayan had threatened the defacto complainant. Therefore, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are 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 the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Karaikkal, Puducherry, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 report before the respondent daily at 10.30 a.m. and thereafter as and when required 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 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 directions, this Criminal Original Petition is ordered.

-sd/-
04/09/2020

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,
KARAIKKAL, PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT, CHENNAI.

3 THE STATION HOUSE OFFICER,
KOTTUCHERRY POLICE STATION,
KARAIKKAL, PUDHUCHERRY.

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

CRL OP.13675/2020

Date :04/09/2020

MK:17/09/2020