

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13964 of 2020

1.Sudha

2.Rangammal

... Petitioners

Vs.

State by

The Inspector of Police
Gurubarapalli Police Station,
Krishnagiri District.

(Crime No.770 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners in the event of arrest in Crime No.770 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

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 294 (b), 323, 324, 506(ii), 109 of IPC read with 4 of Tamil Nadu Prohibition of Harassment Act 2002, in Crime No.770 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vennila is that there was illegal relationship between the 1st petitioner and her husband/A1 for more than a year. While so, on 16.08.2020, her husband/A1 on the instigation of her mother in law / the 2nd petitioner herein, picked up a quarrel with the defacto complainant stating that he is going to get second marriage with the 1st petitioner and also assaulted the defacto complainant and her daughter with a spade due to which, they sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that there was a family dispute between the defacto complainant and her husband/A1 and only on suspicion that the petitioners would have instigated her husband/A1 to assault the defacto complainant, a false complaint has been given against the petitioners and that the petitioners were not even present in the scene of occurrence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured have been discharged from the hospital and there is no previous case against the petitioners. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, and the fact that the injured have been discharged from the hospital and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners 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 of commencement of Court's normal functioning**, before the **learned Additional Mahila Court, Krishnagiri**, on condition that each 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 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 1st petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

The 2nd petitioner shall report before the respondent police as and when required for interrogation.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
09/09/2020

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 ADDITIONAL MAHILA COURT,
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.13964/2020

Date :09/09/2020

MK:22/09/2020

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