

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13972 of 2020

1. Sridharan
2. Saraswathi

... Petitioners

Vs.

The State rep. By
The Inspector of Police
Madurantakan Police Station
Kancheepuram District.
Crime No.1646 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.1646 of 2020 on the file of the Inspector of Police.

For Petitioner : Mr.G.Mageshkumar

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 and 506 I of IPC in Crime No.1646 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Manoranjitham is that the petitioners are the younger son and daughter in law of the defacto complainant. There was a property dispute between the defacto complainant and the petitioners. While so, on 24.07.2020, on the instigation of the 1st petitioner, the 2nd petitioner who is the daughter in law of the defacto complainant, abused the defacto complainant in filthy language and assaulted and threatened her with dire consequences. 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 and would submit that the family dispute has been exaggerated by the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant sustained simple injury and that she has been discharged from the hospital. He would further submit that the victim has been discharged from the hospital and there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners._

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of their arrest or on their appearance, **within a period of fifteen days from the date of commencement of the Court's normal functioning**, before the **learned Judicial Magistrate, Madurantakam**, 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-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 JUDICIAL MAGISTRATE,
MADURANTAKAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
MADURANTAKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.13972/2020

Date :09/09/2020

MK:18/09/2020