

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14424 of 2020

D.Uma

... Petitioner

vs.

State rep. By

The Inspector of Police,
Salaiyur Police Station,
Chennai.

Crime No.106/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of her arrest in Crime No.106 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Vellidoss

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 448, 323, 294(b), 506(ii) of I.P.C., r/w Section 4 of Women Harassment Act in Crime No.106 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that, there is a money transaction between the petitioner and the defacto complainant. In which, when the petitioner demanded the defacto complainant to repay the money borrowed from her, there arose a quarrel, in which the petitioner threatened the defacto complainant with dire consequences. Hence, the present complaint has been lodged.

3.The learned counsel for the petitioner would submit that the dispute is a pure money dispute and a false case has been foisted against the petitioner. He would further submit that earlier this Court granted Anticipatory Bail to the petitioner in Cr1.O.P.No.6289 of 2020 dated 18.03.2020, due to Covid period, she was unable to comply with these conditions and hence, the petitioner may be granted anticipatory bail.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5. Taking note of the fact that the dispute between the petitioner and the defacto complainant is a money dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Tambaram, on condition that the 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 conditions 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 as and when required for interrogation.

[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.

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

-sd/-

16/09/2020

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, TAMBARAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

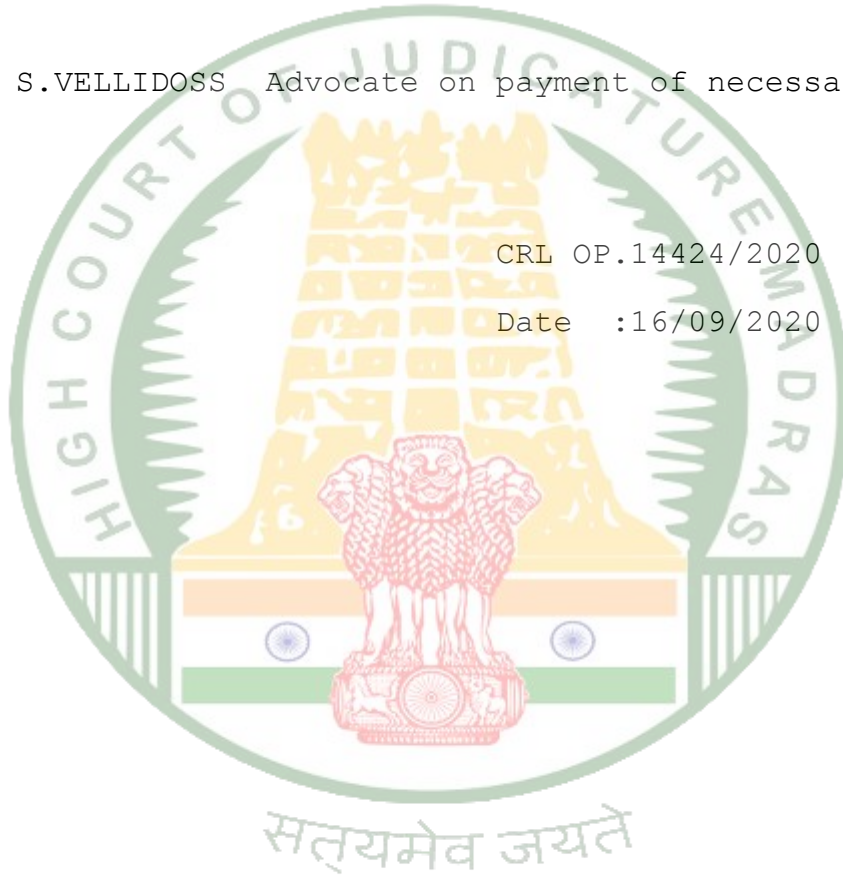
3 INSPECTOR OF POLICE,
SELIYUR POLICE STATION,
CHENNAI.

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

CRL OP.14424/2020

Date :16/09/2020

RVR 25/09/2020



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