

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14650 of 2020

Rani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sholingur Police Station,
Ranipet District.
(Crime No.535/2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioner in connection with Crime No.535 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.S. Amarnath

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447, 452, 323, 324 and 506(ii) of IPC in Cr. No.535 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant Sampath S/o.Santhanam is that there was a dispute between his father and his uncle in respect of common pathway. While so, on 29.06.2020 when his father and mother were at home, the accused who are his paternal uncle, aunt and cousin have trespassed into his house and assaulted his father and mother due to which, his father had sustained bleeding injuries and the persons near by his house had taken his father to Sholingur Government Hospital. At the time of admission, his father had informed that he had sustained injuries due to fall from the stairs. Thereafter, the defacto complainant and his brother had shifted his father to K.H.Apollo Hospital, Visharam for further treatment and his father was unconscious. On the next day, the defacto complainant had given a complaint before the respondent

police. Originally, the case was registered for the offence under Section 294(B), 447, 452, 323, 324 and 506(ii) of IPC. Later, the father of the defacto complainant succumbed injuries without responding to the treatment on 06.07.2020 and thereafter, the case was altered to one and Section 302 IPC. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner's husband/A1 and the deceased are brothers and they were having dispute on account of sharing of common pathway. While so, on 29.06.2020, the victim had fallen from the stairs and sustained head injuries and that at the time of admission, the victim himself had informed the doctors that he had sustained injuries due to a fall from the stairs. Later, the defacto complainant who is the son, had come to hospital and finding his father was unconscious had cunningly given a complaint as if, his father sustained injuries due to the assault of the accused. Further, he would submit that even in the FIR, it is clearly stated that at the time of admission, the victim had told the doctors that he sustained injuries due to a fall from the stairs. He further submitted that A1 is the husband and A3 is the son of the petitioner and they were arrested and subsequently, enlarged on bail by this Court in Crl.O.P.No.12817 of 2020 on 17.08.2020 and Crl.O.P.No.13115 of 2020 on 17.08.2020. The learned counsel further submit that the petitioner is arrayed as A2 in this case. As per the allegations in the FIR, the petitioner is stated to have assaulted the mother of the defacto complainant by pulling her hair. Other than that, there is no allegation against the petitioner as if, she assaulted the deceased. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioner and the defacto complainant in respect of sharing of the common pathway. While so, on 29.06.2020, the petitioner along with her husband and son have trespassed into the house of the defacto complainant's father and assaulted him due to which, he sustained injuries. Initially, he was admitted in the Sholingur Government Hospital and thereafter, he was shifted to K.H.Apollo Hospital, Visharam for a better treatment where he succumbed injuries without responding to the treatment on 06.07.2020. He would further submit that the allegations against the petitioner is that she assaulted the wife of the victim by pulling her hair. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and perused the F.I.R.

6. Considering the above facts and circumstances of the case and the fact that bail was granted for co-accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which a copy of this order is made ready, before the District Munsif cum Judicial Magistrate, Sholingur, Ranipet District, 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 condition that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 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.

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

-sd/-
06/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SHOLINGUR,
RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLINGUR POLICE STATION,
RANIPET DISTRICT.

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

CRL OP.14650/2020

Date :06/10/2020

cs 22/10/2020



WEB COPY