

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14688 of 2020

1.Chakarabani

2.Lakshmi Chakkarapani

3.Gajalakshmi

... Petitioners

Vs.

State rep.by,

The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.

(Crime No.1163 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners herein on bail in the event of their arrest in Crime No.1163 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.Vijay Gurudass

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, 506(ii) and 354 of IPC, r/w. Section 4 of Women Harassment Act, in Crime No.1163 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that she is the wife of one Shanmugam / first accused. Due to matrimonial dispute, the first accused along with the petitioners, who are the parents and brother of the said Shanmugam, harassed the de-facto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to matrimonial dispute between the first accused and the de-facto complainant, the petitioners are unnecessarily roped in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused is the husband of the de-facto complainant. Due to matrimonial dispute between them, the petitioners, who are in laws of the de-facto complainant, harassed the de-facto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their 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, Sriperumbudur, on condition that each petitioners shall execute a separate 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
21/09/2020

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,
SRIPERUMBUDUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
KANCHEEPURAM.

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

CRL OP.14688/2020

Date :21/09/2020

MK:29/09/2020