

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14853 of 2020

1.Krishnamoorthi
2.Vasantha
3.Kalpana

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
All Women Police Station
Nannilam,
Tiruvarur District.
Cr.No.12 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.12 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

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 alleged offences under Sections 498(A), 352 and 506(i) IPC, in Crime No.12 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Abirami is that the marriage between her and the first accused took place before 5 years and they have two children. The further allegation is that A1 frequently quarrelled with the de-facto complainant and he along with other accused assaulted her and refused to give her children to her and driven her out of the matrimonial home. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocents and they are in laws of the de-facto complainant. He would further submit that the marriage between A1 and the defacto complainant took place on 04.09.2014 and there was frequent quarrel between them. The learned counsel for the petitioners would further submit that the petitioners are in-laws and they are living separately and they have been falsely roped in this case. He would further submit that A1 has been arrested and enlarged on bail by the Judicial Magistrate, Nannilam.

4. The learned Additional Public Prosecutor would submit that the petitioners are in-laws of the victim and the marriage between A1 and the daughter of the de-facto complainant took place 5 years back and they have two children. The first accused and other accused frequently used to abuse and assault the de-facto complainant driven her out of the matrimonial home and refused to give the children. He would further submit that A1 has been arrested and later on, he was enlarged on bail.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, 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 arrest or on their appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Nannilam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, as and when required for interrogation.

[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.

[g] 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].

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

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

-sd/-
23/09/2020

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,
NANNILAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM, TIRUVARUR DISTRICT.

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

WEB COPY

CRL OP.14853/2020

Date :23/09/2020

cs 05/10/2020