

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25 .09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15141 of 2020

1. Suresh
2. Govindaraj
3. Kasthuri

.. Petitioners

Vs.

The State by
Inspector of Police
Singarapetai Police Station
Krishnagiri District.
(Crime No.1021 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.1021 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Sathish Rajan

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 under Sections 294(b), 323 and 506(ii) of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1021 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ellammal is that the marriage between the first petitioner and her took place seven six years back on 09.06.2014 and the first accused used to harass and abuse her and thereafter, she was driven out from the matrimonial home. Further, while the divorce petition was pending, the petitioners have harassed the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the first petitioner has been arrested and subsequently granted bail. Insofar as the second and third petitioners are concerned, they are the father-in-law and mother-in-law of the defacto complainant and there is no specific allegations against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner has been arrested on 21.09.2020 and subsequently enlarged on bail. Insofar as the second and third petitioners are concerned, they are the in laws of the defacto complainant and that they have harassed the defacto complainant and driven her out from the matrimonial home. He would further submit that the injured has been discharged from the hospital. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Recording the submissions of the learned Counsels that the first accused has been arrested and subsequently enlarged on bail, this Criminal Original Petitions stands dismissed as infructuous insofar as the first petitioner is concerned.

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

a) Accordingly, the second and third petitioners are ordered to be released on bail, in the event of 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 cum District Munsif, Uthangarai, on condition that the 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:

[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 second and third 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.

[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.

-sd/-

25/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHANGARAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
SINGARAPETAI POLICE STATION,
KRISHNAGIRI DISTRICT

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

CRL OP.15141/2020

Date :25/09/2020

RVR 30/09/2020

सत्यमेव जयते

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