

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15234 of 2020

1.Bharathi

2.M.Eswar @ Easwaran

... Petitioners/Accused Nos. 2 & 3

Vs.

The State represented by,
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.
[Crime No.698 of 2020]

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 698 of 2020, on the file of the respondent police.

For Petitioners : Mr.G.Mageshkumar

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), 354, 352, 323, 506(ii), 307 of IPC read with Section 4 of TN Women Harassment Act in Crime No. 698 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Renuka is that due to previous enmity, there was a quarrel between the defacto complainant's husband and the accused persons and during the quarrel, the petitioners along with the first accused had assaulted the defacto complainant and her husband and A1 had kicked on the defacto complainant's stomach when she was pregnant by six months. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that in fact the defacto complainant and her husband are the aggressors and based on the complaint given by the petitioners, a case was registered in Crime No.699 of 2020 against the defacto complainant and her husband for the offence under IPC as well as under SC/ST Prevention of Atrocities Act. He would further submit that the first accused has

been arrest and he has been enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant are neighbours and that during the wordy quarrel, the petitioners along with A1 had assaulted the defacto complainant and her husband and A1 had kicked on the defacto complainant's stomach when she was pregnant by six months. He would further submit that fortunately, the defacto complainant has been discharged from the hospital now and that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration of the facts and submissions made by the learned counsels and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 from the date on which the order copy is made ready, before the learned Judicial Magistrate, Vedaranyam, on condition that each petitioner 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 every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

12/10/2020

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 JUDICIAL MAGISTRATE,
VEDARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.15234/2020

Date :12/10/2020

RVR 19/10/2020

WEB COPY