

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15462 of 2020

1.C.Rajeswari @ Pazhanathal
2.M.Vanjiyammal

.. Petitioner

/versus/

The State rep. by
The Inspector of Police,
Udumalpet Police Station,
Thiruppur District.
(Crime No.1451 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of his arrest in Crime No.1451 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, seeks anticipatory bail.

2.The case as projected by the prosecution is that the defacto complainant got married to the first petitioner's son, Velmurugan and having a daughter. The first petitioner is the mother-in-law of the defacto complainant. The second petitioner is the mother of the first petitioner. During November 2019 the defacto complainant's husband Velmurugan died. There was a dispute between the first petitioner and the defacto complainant in sharing the proceeds of the coconut farms of the deceased Velmurugan. While being so, on 18.09.2020 at about 9.00 hrs the defacto-complainant entered into the coconut farm to remove leaf stalk, the first petitioner came there and quarrelled with the defacto complainant in the said quarrel the petitioners are alleged to have abused the defacto complainant with filthy language and alleged to have assaulted the defacto complainant. When the defacto complainant evade, she sustained injury in her forearm. Thereafter, the defacto complainant taken to the Government Hospital, Udumalpet and treated as in-patient. The respondent Police gone there and recorded the statement, based the statement FIR came to be registered for the offence under Section 294(b), 323, 324 and 506(ii) of IPC.

3.The learned counsel for the petitioner submitted that the petitioners are falsely implicated in this case. The petitioners are the mother and grandmother of the deceased Velmurugan, who is the husband of the defacto complainant. The said Velmurugan died during November 2019 by committing suicide. After the death of Velmurugan, who is the husband of the defacto complainant there was no cordial relationship between the petitioners and the defacto complainant. The petitioners are owning a small portion of land for their survival, even prior to the death of the defacto complainant's husband the petitioners were in access to the land and that is their livelihood. On 18.09.2020 the defacto complainant brought two other persons with her and attempted to assault the petitioners and there was a commotion between the petitioners and the defacto complainant. For which the defacto complainant has given false complaint against the petitioners and the petitioners are not having any bad antecedent. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that it was a dispute between the defacto complainant and her in-laws with regard to the enjoyment of the property of the first petitioner's son. The first petitioner's son died by committing suicide. When the defacto complainant made an attempt to restrict the petitioner's enjoyment over the property the fight aroused, it is purely a family dispute. The defacto complainant discharged from the hospital and the injuries are not serious in nature.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

7.Taking note of the facts and circumstance of the case and also considering it is a family dispute and the defacto complainant was discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

(a) the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) within a period of 15 days from the date of receipt of a copy of this order 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 learned 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 as and when required.

(d)the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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.

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

-sd/-

08/10/2020

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,
NO.I, DUMALPET, THIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
THIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.GANESH KUMAR Advocate on payment of necessary charges Sr.6769

CRL OP.15462/2020

Date :08/10/2020

RVR 12/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>