

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15531 of 2020

P.Dhanalakshmi

... Petitioner

Vs.

The State represented by  
Inspector of police,  
Chemmencherry police station,  
Chennai  
Crime No.861 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of arrest in  
Crime No.861 of 2020 on the file of the respondent police.

For Petitioner : Mr.Abdul Basith

For Respondent : Mr.M. Mohamed Riyaz  
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(i) of IPC r/w 4 of the Women Harassment Act, in Crime No.861 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is is that there was a family dispute between the petitioner and the defacto complainant, during which a wordy quarrel arose between them and the petitioner assaulted the defacto complainant. Hence the complaint.

3. The learned Counsel for the petitioner would submit that there was a family dispute between the petitioner and the defacto complainant, for which the petitioner has already lodged a complaint against the defacto complainant. As a counter blast the present complaint has been lodged by the petitioner. He would further submit that the petitioner is an innocent person and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the petitioner and the defacto complainant and the petitioner assaulted the defacto complainant. The petitioner had earlier lodged a complaint against the defacto complainant. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the copy of the order is made ready, before the Judicial Magistrate Court, Alandur on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent daily 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-  
01/10/2020

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 COURT,  
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CHEMMENCHERRY POLICE STATION,  
CHENNAI.

+1CC to M/S.I.ABDULBASITH Advocate on payment of necessary charges SR.No.6602

सत्यमेव जयते

CRL OP.15531/2020

cs 14/10/2020

Date :01/10/2020

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