

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15738 of 2020

Shafeeq Ahmed

... Petitioner/1st accused

-vs

State rep. by its

The Sub Inspector of Police,
All Women Police Station,
Tambaram, Chengalpattu District.
(Crime No.5 of 2020)

....Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.5 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.A.G. Janarathanan

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

ORDER

(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 498(A), 323 & 312 of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harrassment Act in Crime No.5 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Rehana Begum, is that the petitioner harassed her and committed cruelty. Due to such harassment, the petitioner assaulted the de-facto complainant resulting in miscarriage of two months pregnancy. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner and the de-facto complainant are the husband and wife. He further submitted that there was wordy quarrel between them in their matrimonial life. Taking that aspect, the petitioner has been falsely implicated in this case. He would further submit that the dispute has been compromised and the petitioner is now taking good care of the de-facto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the marriage between the petitioner and the de-facto complainant took place on 24.06.2019 and there was a matrimonial dispute. As such the petitioner, committed cruelty and assaulted the de-facto complainant, which resulted in miscarriage of two months pregnancy. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there was a matrimonial dispute, 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 of receipt of a copy of this order, the petitioner 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 Judicial Magistrate, Tambaram, 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 and Friday 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/-

06/10/2020

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TAMBARAM,
CHENGALPATTU DISTRICT.

CC to M/S.A.G.JANARTHANAN Advocate on payment of necessary charges sr.6659

CRL OP.15738/2020

Date : 06/10/2020

RVR 21/10/2020

WEB COPY