

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16018 of 2020

Lalitha

... Petitioner

Vs.

The State Represented by,
The Sub-Inspector of Police,
R-6 All Women Police Station,
Kumaran Nagar, Chennai.
(Cr.No.1278 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1278 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.L.Rajendran

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 alleged offences punishable under Sections 294 (b), 342, 324, 506 (1) of IPC in Crime No.1278 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., P.Selvi, w/o. Prabhu, is that the first accused is her husband and he is an Advocate. The de-facto complainant has given a complaint stating that her husband is having an illegal intimacy with the petitioner. On 03.09.2020, the first accused / husband along with the petitioner had abused and assaulted the de-facto complainant with hands. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is the client of A1. A1 and the de-facto complainant are husband and wife and they are Advocates also. He would further submit that the de-

facto complainant suspecting her husband is having an illegal relationship with the petitioner, has given a false complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the de-facto complainant and her husband A1 are Advocates. The petitioner is the client of A1. A1 developed illicit intimacy with the client, thereby the wife of A1 has given a complaint against her. He would further submit that A1 and the petitioner went to the house of the de-facto complainant and assaulted her. Hence, he opposed for grant of anticipatory 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 her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, 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 Police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/10/2020

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 METROPOLITAN MAGISTRATE
NO.XXIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
R-6 ALL WOMEN POLICE STATION,
KUMARAN NAGAR, CHENNAI.

+1 CC to M/S.L.RAJENDRAN Advocate on payment of necessary charges
SR.No.6777

WEB COPY

CRL OP.16018/2020

Date :09/10/2020

cs 14/10/2020