

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16373 of 2020

1. Dhanalakshmi
2. Then Mozhi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Chengalpattu,
Chengalpattu District.
(Cr.No.15 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 their arrest in Connection with the Crime No.15 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.G.K.Loganathan

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

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (a), 323 of IPC r/w. 4 of Women Harassment Act, in Crime No.15 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Kodeeswari is that she married one Baskaran and they have no issues. Both of them are divorcees. The first accused/Baskaran after marriage has connection with the earlier wife and harassed the defacto complainant with the help of the mother-in-law and sister-in-law. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are the erstwhile mother-in-law and sister-in-law of Baskaran. During the Covid period, the said Baskaran had come to the house of the petitioners and renewed the relationship to pay maintenance for his children through 1st wife who were living with them and the de facto complainant who was against her husband giving money to his children born through the 1st wife, has given a false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner is the erstwhile mother-in-law and sister-in-law of Baskaran. He would further submit that after divorce, Baskaran met his first wife and developed relationship again and the petitioners who are his erstwhile mother-in-law and sister-in-law have abused and harassed the defacto complainant, who is the second wife to get away from Baskaran. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Chengalpattu, on condition that each of the petitioners 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 daily at 10.30 a.m., for a period of one week and thereafter as and when required.

[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/-

14/10/2020

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.II,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.G.K.LOGANATHAN Advocate on payment of necessary charges SR NO.6930

CRL OP.16373/2020

Date :14/10/2020

MK:21/10/2020