

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17064 of 2020

Bhuvaneswari

... Petitioner/Accused(Single)

Vs.

The State represented by,
The Inspector of Police,
T8-Muthapudupet Police Station,
Thiruvallur District.
[Crime No. 34 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police in Crime No. 34 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 of IPC, in Crime No. 34 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that the petitioner had abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that this is the second application for anticipatory bail and that earlier this petitioner has been granted anticipatory bail by this Court in CrI.O.P.No.4895 of 2020. He would further submit that while the petitioners were taking steps to surrender before the Court, the Courts were closed on account of Covid-19 pandemic and thereby, the petitioner was unable to surrender before the Court. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's husband is the employee of the defacto complainant and she has demanded the salary, at that time, there was a wordy quarrel took place between them. Thereby, the petitioner had pelted stone on the defacto complainant and caused injuries to him. He would further submit that the victim has been discharged from the hospital.

5 Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6 Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Ambattur, 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 every day 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/-
02/11/2020

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T8-MUTHAPUDUPET POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. S.SASIKUMAR Advocate on payment of necessary charges

CRL OP.17064/2020

Date :02/11/2020

cs 11/11/2020

WEB COPY