

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16468 of 2020

1.Sudha
2.Parvathi
3.Palanikarthick
4.Ushalakshmi

.. Petitioners

Vs

The State rep. by
The Inspector of Police
P-1 Tiruvallur Town Police Station
Tiruvallur.
Cr.No.426 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.426 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.C.Marl Marx

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Prohibition of Harassment of Women Act 2002, in Crime No.426 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Lenin is that there was a matrimonial dispute between the de-facto complainant and the 1st petitioner herein and on 17.07.2019, when the de-facto complainant had gone to the Collector Office to attend the enquiry, he has been assaulted by the petitioners/accused with iron rod and thereby, caused injuries to him.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and due to matrimonial dispute, a false complaint has been given against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the de-facto complainant is the husband of the 1st petitioner/accused. The de-facto complainant had gone to attend the enquiry before the Enquiry Officer. At that time, the accused persons abused him with filthy language and assaulted him with iron rod.

5. Heard both sides.

6. Taking into consideration the facts and circumstances of the case and also of the fact that it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tiruvallur, on condition that the petitioners 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/10/2020

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.I, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-1, TIRUVALLUR TOWN POLICE STATION,
TIRUVALLUR

CC to M/S K.C.Marl Marx Advocate on payment of necessary charges Sr.6982

CRL OP.16468/2020

Date :16/10/2020

RVR 21/10/2020

सत्यमेव जयते

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