

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16514 of 2020

1. Aravinthan
2. Shridevi
3. Pushpalatha

... Petitioners/Accused

Vs.

State rep. By
The Inspector of Police,
Sadras Police Station,
Kancheepuram District.
Crime No.957 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.957 of 2020 on the file of the Respondent Police.

For Petitioners : Mr.L.Ramu

For Respondent : Ms.T.P.Savitha
Government Advocate

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 punishable under Sections 294(b), 323, 506(1) IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, and further altered as 294(b), 323, 506(1) IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 7 r/w. 8 and 9 r/w. 10 of the Prevention of Children from Sexual Offences Act, 2012, in Crime No.957 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Public Prosecutor.

3.The complaint has been given by one Archana alleging that the petitioners herein had harassed her and also sexually abused her daughter Anjana, whereas, the petitioners state that the *de facto* complainant Archana is the wife of the 3rd petitioner's brother Udaiyakumar. The said Udaiyakumar died and

thereafter, there is a property dispute between them and hence, a false complaint has been given against the petitioners. In fact, it was the *de facto* complainant who has attacked them and therefore, a complaint against the *de facto* complainant being given by the petitioners in Crime No.956 of 2020 is pending on the file of the respondent police.

4.Taking note of the fact that the 1st petitioner is a male aged about 65, the 2nd petitioner is her daughter aged 24, and the 3rd petitioner is the wife of the 1st petitioner aged about 54, and the *de facto* complainant is the 3rd petitioner's brother's wife and a civil dispute is pending between them in O.S.No.20 of 2019 on the file of the Sub-Judge, Chengalpattu, this Court is of the view that the petitioners are entitled for Anticipatory Bail. Hence, Anticipatory Bail is granted to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days, before the learned Judicial Magistrate, Thirukazhukundram, on condition that the each 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioners shall stay at Kancheepuram and report before the Inspector of Police, Sadras Police Station, Kancheepuram District, as and when required.

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

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

[f] On failure to comply the condition or 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.

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

-sd/-
22/10/2020

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,
THIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION,
KANCHEEPURAM DIST.

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

CRL OP.16514/2020

MK:02/11/2020

Date :22/10/2020

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