

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16645 of 2020

1. Rasika
2. Mageswari

... Petitioners

Vs.

State, represented by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.895 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.895 of 2020, on the file of the Inspector of Police, E-5, Sholavaram Police Station, Thiruvallur District.

For Petitioners : Mr.P.Chandra Sekar

For Respondent : Mr. M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(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), 341, 307 and 506(ii) of IPC in Crime.No.895 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ponmani, due to previous enmity, the petitioners along with other accused persons assaulted the husband of the defacto complainant with knife. Hence, the complaint.

3. The learned counsel for the petitioner has submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was a wordy quarrel between husband of the first petitioner (A1) and the defacto complainant's husband, as a result of which A1 has been arrested and enlarged on bail. However, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are neighbours and that on 16.04.2020 during a quarrel, the husband of the first petitioner had assaulted the husband of the defacto complainant with knife and the petitioners have prevented the defacto complainant's husband. He would further submit that the husband of the first petitioner has been arrested and enlarged in bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 on which the order copy made ready, before the **Judicial Magistrate II, Ponneri** on condition that the petitioner 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:

[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 report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required.

[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 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 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.

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

-sd/-
28/10/2020

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.P.CHANDRA SEKAR Advocate on payment of necessary charges

CRL OP.16645/2020

Date :28/10/2020

TA-09/11/2020

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