

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16646 of 2020

A.Noorjahan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Attur Town Police Station,
Salem District.
Crime No.467/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police pending investigation of the case in Crime No.467 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Johnsathyan

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 offences publishable under Sections 447, 294(b), 323, 354, 324 of IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.467 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Fathima is that the petitioner/accused is an adopted daughter of the defacto complainant and that she was married to one Akbar, Psychotherapist at Bengaluru. Later, she separated from her husband and she was living with the defacto complainant and thereafter, she developed bad company and started living a wayward and immoral life. Despite warning of the defacto complainant and her husband, she continued with her immoral affairs and that on 27.06.2020, while the defacto complainant was at home, the petitioner had brought two persons into the house and assaulted the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to property dispute, a false complaint has been given. Even as per the complaint, occurrence is stated to have taken place on 27.06.2020 and the complaint was made on 29.06.2020, after deliberation. He would further submit that

in this case, the petitioner is pressurized by the defacto complainant and her relatives to relinquish her rights over the property on the threat of arrest. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the adopted daughter of the defacto complainant. Since she started to have a wayward and immoral life, the defacto complainant had warned her several times. But she continued with her affairs and that on 27.06.2020, she had brought hirelings into the house and assaulted the defacto complainant. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned Counsels and perused FIR placed on record.

6. 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;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Learned Judicial Magistrate No.I, Attur, 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., 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 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.I, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM DISTRICT.

CC to M/S.R.JOHNSATHYAN Advocate on payment of necessary
charges Sr.7121

CRL OP.16646/2020

Date : 28/10/2020

RVR 03/11/2020

WEB COPY