

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16805 of 2020

1. Murugaiyan

2. Baby

... Petitioners/Accused

Vs.

State By

The Inspector of Police,
W-7, All Women Town Police Station,
Anna Nagar, Chennai

Crime No.Not known of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail, in the event in Crime No.not known of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Gokulakannan

For Respondent : Mr.Charles Prem Kumar
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 punishable under Sections 498-A and 506 (ii) of IPC in Crime No.not known of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the de-facto complainant. Due to matrimonial dispute between the petitioners' son and the de-facto complainant, the de-facto complainant got separated and lodged a complaint against them.

3. The learned Counsel for the petitioners would submit that pursuant to the order passed by this Court in the anticipatory bail petition filed by the husband of the defacto complainant, the respondent police is conducting the enquiry. These petitioners are also ready and willing to participate the enquiry and seek anticipatory bail.

4. The learned Additional Public Prosecutor states that based on the complaint given by one Priyadharshini, respondent police is conducting enquiry and no case so far registered. If the petitioners properly co-operate, there may not be any need to arrest them.

5. Considering the above submissions, this Court is inclined to grant anticipatory bail 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 Mahila Court (Magisterial level), Egmore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation.

[d] the petitioners shall co-operate with the enquiry. If any cognizable offence is made out, the Investigating Officer is at liberty to proceed in accordance with law on the ground of anticipatory bail shall not stand in the way.

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

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

[g] 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].

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

6. 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 MAHILA COURT (MAGISTERIAL LEVEL),
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-7 ALL WOMEN POLICE STATION,
ANNA NAGAR, CHENNAI.

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

CRL OP.16805/2020

Date :22/10/2020

MK:05/11/2020

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