

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17148 of 2020

D.Uma

... Petitioner

Vs.

State rep.by

The Inspector of Police,
Seliyur Police Station,
Chennai.

[Crime No.106 of 2020] ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.106 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Vellidoss

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 offence punishable under Sections 448, 323, 294(b), 506(ii) IPC r/w 4 of Women Harassment Act in Crime No.106 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that, there is a money transaction between the petitioner and the defacto complainant. In which, when the petitioner demanded the defacto complainant to repay the money borrowed from her, there arose a quarrel, in which the petitioner threatened the defacto complainant with dire consequences. Hence, the present complaint has been lodged.

3. The learned counsel for the petitioner would submit that the petitioner initially approached this Court in Crl.O.P.No.6289 of 2020 and she was granted anticipatory bail by an order dated 18.03.2020. However, since the Courts were closed on account of COVID-19, the petitioner was unable to obtain the order, and thereby, earlier order got lapsed. Thereafter, the petitioner filed Crl.O.P.No.14424 of 2020

and she was granted anticipatory bail. However, due to her illness, the petitioner was unable to appear before the Court and thereby, the second order got lapsed. Therefore, the present petition has been filed.

4. The learned Additional Public Prosecutor would vehemently oppose the contention by stating that there is a money transaction between the petitioner and the defacto complainant. In which, when the petitioner demanded the defacto complainant to repay the money borrowed from her, there arose a quarrel, in which the petitioner threatened the defacto complainant with dire consequences. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Legal Service Authority attached to the concerned court and on such deposit and production of proof, 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 Court-I, Tambaram 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:

[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 Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/11/2020

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 COURT
NO.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SELIYUR POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE
THE LEGAL SERVICES AUTHORITY,
TAMBARAM.

6 THE SECRETARY
LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1 CC to M/S. S.VELLIDOSS Advocate on payment of necessary charges
SR.No.7257

CRL OP.17148/2020

Date :03/11/2020