

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16916 of 2020

1. B.Chandrasekar
2. B.Ravichandran
3. B.Parimala

... Petitioners

Vs.

The State rep. By
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.
Crime No.670 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail, in the event of their arrest by the respondent police, pending investigation of the case in Crime No.670 of 2020 on the file of the respondent police.

For Petitioners : Mr.A. Jayaprakash

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 294(b), 323 and 506 (i) of IPC in Crime No.670 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the de-facto complainant and the other petitioners are in-laws of the de-facto complainant. The complainant arises out of matrimonial dispute. A divorce petition is pending between the de-facto complainant and the first petitioner.

3. The learned counsel for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case, 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 on their appearance, within a period of fifteen days, before the learned Judicial Magistrate, Ambattur, 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 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 appear before the Investigation Officer 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.

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 JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-10 THIRUMULLAIVOYAL POLICE STATION,
CHENNAI.

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

CRL OP.16916/2020

Date :22/10/2020

MK:03/11/2020

WEB COPY