

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16941 of 2020

1. P.Mani
2. Chandrika

... Petitioners/Accused Nos.1 & 2

Vs.

The State rep.by
The Inspector of Police,
All Women Police Station,
Chengalpattu,
Crime No.not known

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in the Crime No.Not known of 2020 on the file of the respondent Police.

For Petitioners : Mr.R.Karunakaran

For Respondent : Mr.Charles Premkumar
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) and 506(ii) of IPC in Crime No.not known on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner. Due to the matrimonial dispute, the complaint has been lodged against the petitioner by the defacto complainant.

3.The learned counsel for the petitioners would submit that the first petitioner, who is the husband of the defacto complainant is a Government Servant working as Police Constable. The 2nd petitioner, who is the mother-in-law of the defacto complainant, is aged about 57 years old. He would also submit that already divorce proceeding has been initiated by the petitioner in H.M.O.P.No.32 of 2020 on the file of the Family Court, Arakonam and the same is pending.

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

5. Taking note of all these facts, 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 learned Judicial Magistrate, Chengalpattu, on condition that each petitioners 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 report before the respondent police as and when required for interrogation.

[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]. सत्यमेव जयते

[f] 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

TO

1 THE JUDICIAL MAGISTRATE,
CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

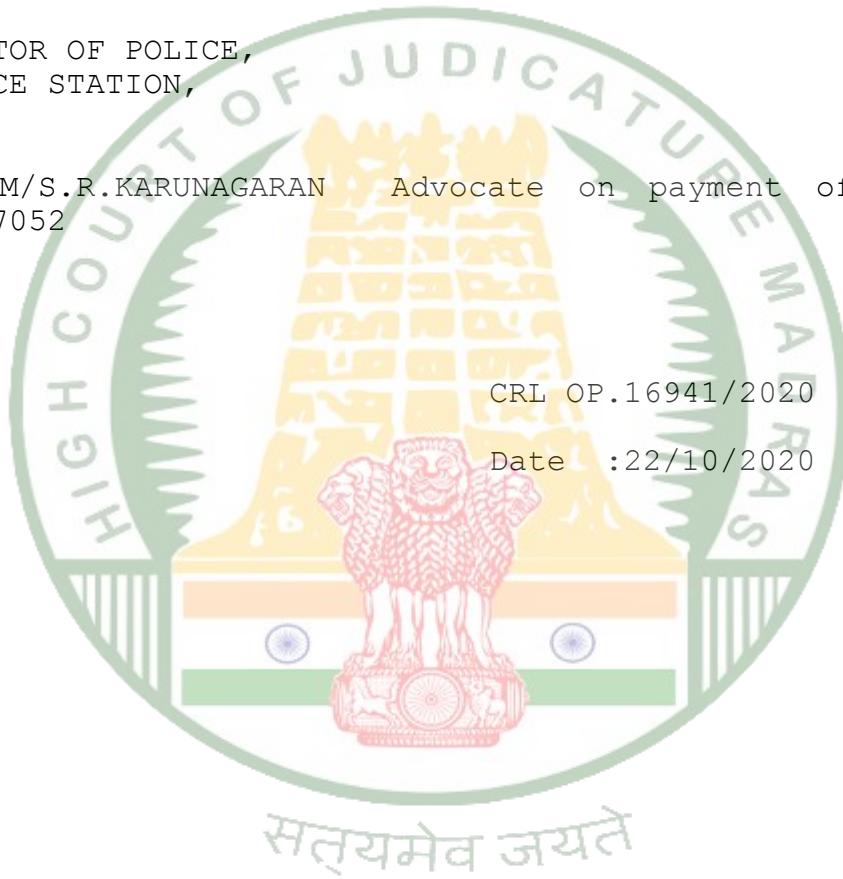
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGALPATTU.

+1 CC to M/S.R.KARUNAGARAN Advocate on payment of necessary
charges SR.No.7052

CRL OP.16941/2020

Date :22/10/2020

cs 28/10/2020



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