

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17115 of 2020

1.Mani @ B.R.Manikandan
2.Valli

... Petitioners

Vs

The State rep. by,
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai-600 021,
(Crime No.5112 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.5112 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.Arunkumar

For Respondent : Mr.M.Mohamed Riyaz
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(i) of IPC r/w Section 4 of Women Harassment Act in Crime No.5112 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Umadevi, who is the lady advocate is that the first petitioner along with his wife abused the defacto complainant in filthy language and also attempted to assault her in a drunken mode.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and based on the complaint given by the defacto complainant, who is an Advocate by profession a false case has been foisted against the petitioners. He would further submit

that the petitioners and the defacto complainant are neighbours and that in order to maintain peace, the petitioners have filed individual affidavits and expressed their remorse and undertaken not to indulge in similar activities.

4.The learned Additional public prosecutor would submit that the petitioners, who are neighbours of the defacto complainant, abused her and intimidated her by using filthy language.

5.Taking into consideration of the facts, submissions made by the learned counsels and affidavit of undertaking filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned XV Metropolitan Magistrate Court G.T,Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 first petitioner shall stay at Vellore and report before Sathuvachary police Station every day at 10.30 am for a period of 30 days

[d]The Second petitioner shall appear before the respondent police every day 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.m until further orders.

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

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

[g] On 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/-

05/11/2020

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 XV METROPOLITAN MAGISTRATE
COURT, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
H-1, WASHERMENPET POLICE STATION,
CHENNAI-21,

5 THE OFFICER INCHARGE,
SATHUVACHARY POLICE STATION,
VELLORE.

CC to M/S. V.ARUNKUMAR Advocate on payment of necessary charges
Sr.7428

CRL OP.17115/2020

Date :05/11/2020

RVR 11/11/2020

WEB COPY