

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.17585 of 2020

1. Ramu
2. Mohan
3. Arjunan

... Petitioners

Vs.

The State Represented by,
The Sub Inspector of Police,
Kilkodungalore Police Station,
Thiruvannamalai District.
(Cr.No.266 of 2013)

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in connection with pending trial in C.C.No.316 of 2017 pending on the file of the Judicial Magistrate, Vandavasi.

For Petitioners : Mr.V.R.Appaswamee

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This 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 147, 342, 323, 355, 354, 506 (i) of IPC and r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act altered to Sections 147, 294 (b), 342, 352, 355, 354, 506 (i) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.266 of 2013, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Shakila is that the petitioners are relatives of her husband and they suspected her with one Saravanan and abused her in filthy language and also assaulted her as a result of which she sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that this case was of the year 2013. The petitioners are the relatives of A1/Mettha Ramesh. First petitioner is the husband of the defacto complainant. Due to matrimonial dispute between the defacto complainant and her husband, a false case has been foisted against them. The petitioners were not aware of this case. A1 was arrested and the investigation has been completed and the respondent police filed a final report before the learned Judicial Magistrate in C.C.No. 316 of 2017. The learned Judicial Magistrate has issued Non Bailable Warrant. Neither anticipatory bail was granted nor the accused were arrested. He would further submit that the petitioners are prepared to appear before the Judicial Magistrate, Vandavasi. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the relatives of A1. First petitioner, who is the husband of the defacto complainant along with his relatives have suspected the relationship between her wife and one Saravanan and they have also assaulted her, as a result of which she sustained injuries. He would further submit that the investigation has been completed and a final report has been filed before the learned Judicial Magistrate, Vandavasi and the case has been taken on file in C.C.No.316 of 2017. The learned Magistrate has issued NBW. Neither the accused were arrested nor anticipatory bail was granted. Thereby, absconding charge sheet has been filed before the learned Judicial Magistrate, Vandavasi. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the Judicial Magistrate, Vandavasi**, on condition that each of 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 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.

[b] **the petitioners shall report before the learned Judicial Magistrate, Vandavasi, Tiruvannamalai District on all working days until further orders.**

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

[d] the petitioners 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 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]**.

[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/-

09/11/2020

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,
VANDAVASI, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KILKODUNGALORE POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.7394

CRL OP.17585/2020

Date :09/11/2020

TA-19/11/2020