

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19463 of 2020

1.P.Loordu Mary
2.U.Ashwin Raj

... Petitioners

Versus

State Rep.by
The Inspector of Police,
J-1, Saidapet Police Station,
Saidapet, Chennai - 600 015.
(Crime No.1376 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C.
to enlarge the petitioner on bail in the event of his arrest in
connection with Crime No.1376 of 2020 on the file of the
respondent police.

For Petitioners : Mr.R.Thanjan

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 for the alleged offence
under Sections 294(b), 324, 447 and 506(ii) of IPC, and Section 4
of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in
Crime No.1376 of 2020 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that the defacto
complainant is running a tea stall. On 15.10.2020, due to
previous enmity, the petitioners and their son came to the tea
shop, indulged in a wordy quarrel and ransacked the shop. They
have also threatened the defacto complainant and her husband with
dire consequences and also attempted to assault them. Hence the
complaint.

3. The learned counsel for the petitioners submit that the petitioners are residing in the house belonging to the defacto complainant at No.6/2, Punnaiyakodi Street, Sekar Nagar, Jafarkhanpet, Chennai and they are paying rent regularly. However, the defacto complainant and her husband threatened to vacate them forcibly. while so on 13.10.2020, when the petitioners went to their son's house and returned, they were shocked to see that some rowdy elements were inside their house consuming liquor. They have also seen that their house was ransacked by those rowdy elements at the instance of the defacto complainant and her husband. Even though on 14.10.2020 the petitioners have given a complaint, it was not entertained. However, based on the false complaint given by the defacto complainant on 15.10.2020, the petitioners son was remanded to judicial custody. He would further submit that the petitioners have not indulged in such offence as alleged by the prosecution. Hence, he prays for the grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to a quarrel with respect to a tenancy dispute, the petitioners alleged to have caused damage to the tea stall run by the defacto complainant and also attempted to assault them. It is submitted that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy was made ready, before the Learned IX-Metropolitan Magistrate, Saidapet, on condition that the petitioners 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 conditions 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 respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., 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.

-sd/-

10/12/2020

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-1, SAIDAPET POLICE STATION,
SAIDAPET, CHENNAI-600 015.

CC to M/S.R.THANJAN Advocate on payment of necessary charges

CRL OP.19463/2020

Date :10/12/2020

MK:16/12/2020