

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18778 of 2020

K.Mageswari

... Petitioner

Vs.

State Rep. by Inspector of Police
S-6, Sankar Nagar Police Station
Chennai District
(Crime No.978 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.978 of 2020 on the file of the Respondent.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This Case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323 and 506(i) IPC, in Crime No.978 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Ranjani is that she and one Manjula are neighbours and that the said Manjula and her husband are living separately. The said Manjula suspected that the defacto complainant was furnishing information about her to her husband's family, thereby, the said Manjula engaged other accused and they have trespassed into the house of the defacto complainant and sprinkled chilly power on her face and assaulted her.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case on suspicion that the petitioner has been engaged by the said Manjula to assault the defacto complainant. He would further submit that after dismissal of the earlier application, the said Manjula had been granted bail by this Court vide order dated 11.11.2020 in Crl.O.P.No.17860 of 2020. He would further submit that

there is no injury on the victim and that the allegation of sprinkling chilly power on the face of the defacto complainant could not have happened.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that due to a previous enmity that the defacto complainant was furnishing information about the 1st accused / Manjula to her husband, the said Manjula had engaged the petitioner along with other accused to assault the defacto complainant. The further allegation is that, they have trespassed into the house of the defacto complainant and thrown chilly power on the face of the defacto complainant and thereafter they have assaulted her. He would further submit that there are materials to show that four persons have entered into the house of the said Manjula and came out. He would further submit that the victim has been discharged from the hospital.

5.Heard the learned counsel on either side. Perused F.I.R. and all the materials placed on record.

6.Taking into consideration of the facts and circumstances and also considering the fact that main accused Manjula/ A1 in this case has been granted bail by this Court in CrI.O.P.No.17860 of 2020 dated 11.11.2020 and that the incident stated to have happened on 14.09.2020 and the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Tambaram, on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for the 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 automatically;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner, shall report before the respondent police everyday at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/12/2020

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 JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-6, SANKAR NAGAR POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges
SR.No.8533

CRL OP.18778/2020

Date :21/12/2020

cs 04/01/2021