

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18437 of 2020

1.M.G.Vijayan @ Vijayakumar
2.Vinoth Kumar
3.Emayavalli

... Petitioners/Accused 1 to 3

Vs.

State Represented by,
The Inspector of Police,
W16-All Women Police Station,
Pulianthope, Chennai.
(Cr.No.10 of 2020)

...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 the Crime No.10 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.M.Ramesh Babu

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 498(A), 294(b), 323, 324 and 506(ii) of IPC, in Crime No.10 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Latha is that she was married the first petitioner/accused forty years ago. He would submit that A1 was having an illegal affair with another lady, A2 is the son and A3 is the daughter-in-law of the defacto complainant. It is alleged that the accused persons had abused the defacto complainant, who is the wife of A1 and had threatened her with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 was having an illegal affair with another lady, A2 is the son and A3 is the daughter-in-law of the defacto complainant. It is alleged that the accused persons had abused the defacto complainant, who is the wife of A1 and had threatened her with dire consequences.

5. Taking into consideration of the facts and submissions of the learned Counsel and also considering the age of the 1st petitioner, who is a senior citizen, aged about 72 years, and there is no previous case pending against the petitioners, 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 learned Judicial Magistrate, Madhavaram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 respondent Police everyday at 10.30 a.m., for the 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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/12/2020

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,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W16-ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI.

CC to M/S.M.RAMESH BABU Advocate on payment of necessary charges

CRL OP.18437/2020

Date : 11/12/2020

MK:29/12/2020

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