

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19381 of 2020

1.Revathi
2.Rajan

... Petitioners

Versus

State Rep.by
The Inspector of Police,
Chinnasalam Police Station.
(Crime No.1754 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. 1754 of 2020 on the file of the respondent police.

For Petitioners : Mr.P.Pandiyaraj

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), 352 and 506(i) of IPC, in Crime No. 1754 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are wife and husband. The defacto complainant is the brother of the first petitioner. According to the defacto complainant, the son in law of the petitioners by name Vijay @ Gopi had received a sum of Rs.2,50,000/- from him but when demanded he refused to pay the amount. When the defacto complainant complained the attitude of their son in law and informed that he refused to repay the amount, a wordy quarrel erupted during which it is alleged that the petitioners have assaulted the defacto complainant and also threatened him with dire consequences. Hence, the complaint was given.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submitted that the petitioners never indulged in any 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 during a wordy quarrel between the family members, it is alleged that the petitioners have assaulted the defacto complainant and threatened him with dire consequences. On the basis of the complaint of the petitioner a counter case in Crime No. 1753 of 2020 was registered. 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 Judicial Magistrate No.II, Kallakurichi, 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 am., 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 JUDICIAL MAGISTRATE NO.II,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHINNASELAM POLICE STATION,

+1CC to M/S.P.PANDIYARAJ Advocate on payment of necessary charges SR NO.8162

CRL OP.19381/2020

Date :10/12/2020

MK:17/12/2020