

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM:

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CRL.OP.No.19705 of 2020

1.Prakash

2.Chitra

3.Jawahar

4.Dinesh

...Petitioners/Accused A1 to A4

State through
The Inspector of Police,
All Women Police Station,
Villivakkam.
(In Crime No.06/2019)

VS.

... Respondent/Complainant

सत्यमेव जयते

Prayer: Criminal Original Petition filed for Anticipatory Bail under Section 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of their arrest or surrender in Crime No.06 of 2019 on the file of the respondent Police.

For Petitioners : Mr.S.Rajprabhu

For Respondent : Ms.M.Saratha Devi,
Government Advocate (Crl. Side)

ORDER

The petitioners who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498(A), 406, 506(1) of IPC in Crime No.06 of 2019, seek anticipatory bail.

2.With respect to the accused Nos.2 to 4, this Court had actually examined their earlier anticipatory bail petition in CrI.OP.No.27711 of 2019 and had granted anticipatory bail to them by an order dated 17.10.2019.

3.It was stated by the learned counsel for the petitioners/accused that the copy of the order was received after the period for executing surety had expired and the order had therefore worked itself out.

4.Insofar as the 1st petitioner/A1 is concerned, the learned Government Advocate, Criminal Side stated that the overt acts against him are quite serious in nature. It is also stated that the first petitioner had attacked the defacto complainant.

5.The learned counsel for the petitioners/accused stated that the first petitioner had also appeared before the Social Welfare Officer.

6.It is the grievance of the learned Government Advocate, Criminal Side that the first petitioner is not co-operating during the investigation.

7.The Court had called upon the first petitioner to file an affidavit that he would co-operate during the investigation.

8.Accordingly, the first petitioner had filed such an affidavit in which *inter alia* he had stated as follows:

“I state that I undertake that I will co operate with the respondent for the investigation. I ready to appear either before the respondent or before the Court as and when required. I undertake that I will not abscond and also not tamper the witness.”

9.In view of the fact that it would only be to the advantage of the prosecution and the Investigating Officer if the accused person appears and co-operates during the investigation. This would facilitate in laying the charge sheet.

10.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 4 with certain conditions:

11.Accordingly, the petitioners/accused Nos.1 to 4 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 made ready, before the learned XIII th Metropolitan Magistrate Court Egmore, on condition that each petitioner shall execute a 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/accused Nos.1 to 4 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/accused Nos.1 to 4 shall report before the respondent police daily at 10.30 a.m., for a period one week and thereafter as and when required for interrogation.

[c] the petitioners/accused Nos.1 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners/accused Nos.1 to 4 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

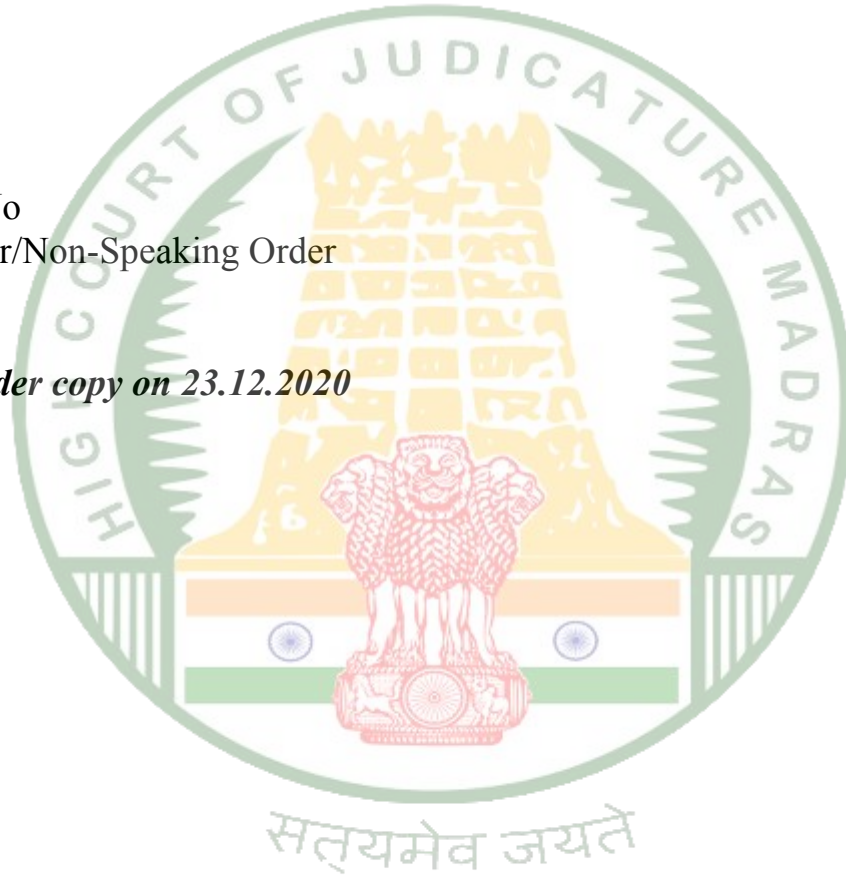
law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

22.12.2020

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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Note: ***Issue order copy on 23.12.2020***



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C.V.KARTHIKEYAN, J.

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To

- 1.The learned XIII th Metropolitan Magistrate Court Egmore.
- 2.The Government Advocate, Criminal Side, High Court of Madras.



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