

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1762 of 2021

1. G.Mangaiyarkarasi
2. N.Elumalai

... Petitioners

Vs.

The State rep. by
The Sub-Inspector of Police,
Minjur Police Station,
Thiruvallur Dt.
(Crime No.50 of 2021)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.50 of 2021 pending on the file of the respondent.

For Petitioners : Mr.C.Senapathi

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A2 and A3. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 323, 506(i) of I.P.C. and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.50 of 2021 on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. The 1st petitioner is mother of A1 and 2nd petitioner is uncle of A1. The case of the prosecution is that A1 got married with the defacto complainant on 08.11.2017 and under the instigation of petitioners, A1 said to have abused, and said to have attacked the defacto complainant. In the said circumstances, the criminal case has been registered against them and now, apprehending arrest, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that it is a family dispute. He would submit that due to misunderstanding A1 and the defacto complainant got separated and she is living with her parents. He would submit that on the date of occurrence, there was a wordy quarrel between the parties. He would submit that the main allegation is only against A1 and the petitioners are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to a matrimonial dispute, there was a wordy quarrel between the petitioners and the defacto complainant. He would submit that now the A1 was arrested and released on bail. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that on the date of occurrence, due to a matrimonial dispute, there was a wordy quarrel between the parties, thereby the petitioners have attacked the defacto complainant, the main allegation is only against A1 and now, A1 was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ponneri, 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, 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 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];

[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/-

05/02/2021

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.C.SENAPATHI Advocate on payment of necessary charges
SR.NO.1318

CRL OP.1762/2021

Date :05/02/2021

cs 12/02/2021