

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.16896 of 2020

1. Ayyavu
2. Kamala

... Petitioners

-Vs-

The Inspector of Police,
W6, All Women Police Station,
Ayanavaram, Chennai -600 023.

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.5 of 2020 is pending on the file of the respondent police.

For Petitioners : Mr.M.Venkatesh Mahadevan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For Intervenor : Mr.Vinothkumar

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest for the alleged offences under Sections 498A, 406, 354A and 506(ii) IPC, in Crime No.5 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the daughter-in-law of the petitioners. The allegation is that the defacto complainant was married to the petitioner's son and subsequently, he died due to some illness on 16.02.2020. Further, the petitioners had harassed the defacto complainant and also driven out of the matrimonial home and the 1st petitioner had also sexually harassed the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that earlier complaint has been given by the defacto complainant, the enquiry was conducted and the same is closed in C.S.R.No.88 of 2020, wherein the defacto complainant only wants the house key and the earlier application was closed by this Court in CrI.O.P.No.12411 of 2020 dated 24.08.2020. He would further submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners had harassed the defacto complainant. He would further submit that earlier C.S.R.No. 88 of 2020 enquiry was conducted and the same is closed. He would further submit that there is no previous case pending as against the petitioners.

5. The learned counsel for the intervenor would submit that even though earlier complaint was closed by the compromise dated 09.06.2020. Even thereafter, the petitioners had harassed the defacto complainant and the 1st petitioner has also try to sexually assaulted the defacto complainant. Hence, the present complaint.

6. Considering the facts and circumstances of the case as the similar complaint filed in the defacto complainant was ended in settlement and the home was also handed over to her, now the investigation also completed, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 made ready, before the learned V Metropolitan Magistrate Court, Egmore, Chennai. 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

03/02/2021

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 XVIII ASSISTANT CITY CIVIL COURT,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
W 6, ALL WOMEN POLICE STATION,
AYANAVARAM, CHENNAI-600 023.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

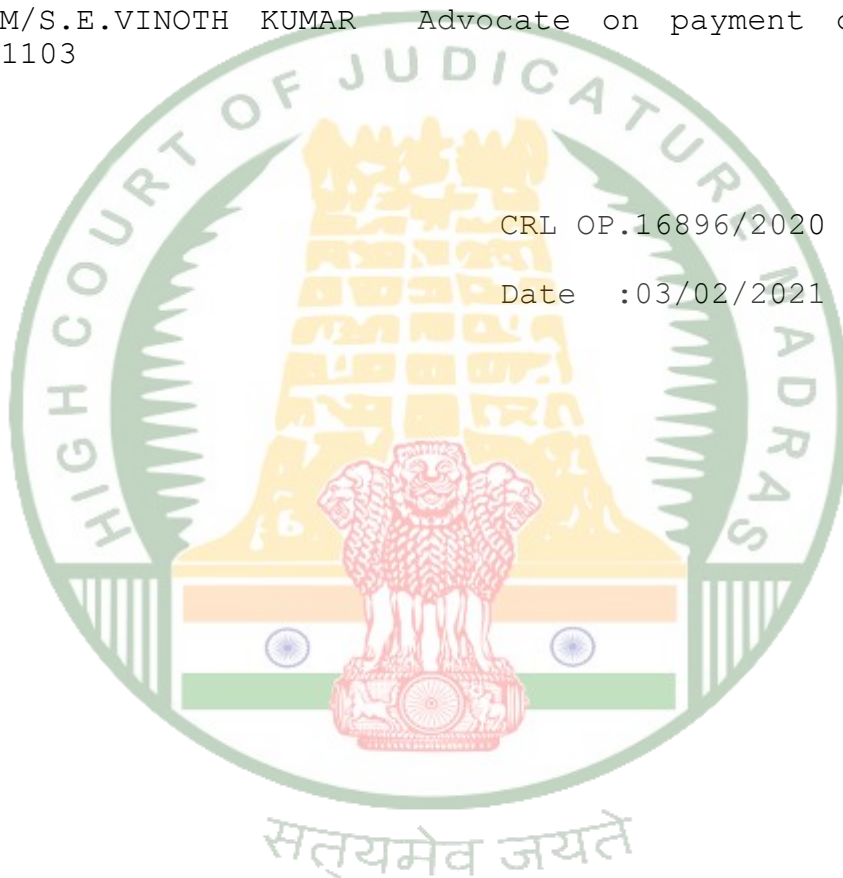
+2 CC to M/S.M.VENKATESH MAHADEVAN Advocate on payment of necessary
charges SR.NO.1110

+1 CC to M/S.E.VINOTH KUMAR Advocate on payment of necessary
charges SR.NO.1103

CRL OP.16896/2020

Date :03/02/2021

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