

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.19255 of 2020

1. Mohan

2. Saratha

.... Petitioners

Vs.

The state represented by
The Inspector of Police,
All Women Police Station
Kancheepuram,
Kancheepuram District
(Crime No.4 of 2020).

.... Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.4 of 2020 on the file of the respondent police.

For Petitioners : Mr.G. Punniakoti

For Respondent : Mr.S. Karthikeyan

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 354, 406 and 506(i) of I.P.C, in Crime No.4 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are A1 and A2 in this case. The allegation is that the defacto complainant is the first wife of A1 and they have been separated long ago. Now the allegation is that the A1 has attacked the defacto complainant's son and have stolen construction materials from him. Hence the complaint.

3.The learned counsel for the petitioners would submit that there was family dispute between the parties. He would further submit the A1 had already intervened and solved the issue amicably. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners have stolen construction materials from the defacto complainant's son. He would further submit that there was already family dispute between the petitioner/A1 and his first wife/defacto complainant. However, he opposed to grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and it is just a dispute between the wife and her husband, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kancheepuram, on condition that the petitioners shall execute a 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 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 229 A IPC.

-sd/-

25/01/2021

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,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

+1CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges SR NO.882

CRL OP.19255/2020

Date :25/01/2021

MK:02/02/2021