

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20490 of 2020

1.G.Mathialaki
2.Govindarajan

... Petitioners/Accused 2 & 3

vs.

The State

Rep. by The Inspector of Police
W-28, All Women Police Station,
Ambattur, Chennai.
[Crime No.7 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr1.P.C.
to enlarge these petitioners on bail in the event of arrest with
respect to the Crime No.7 of 2020 on the file of respondent Police.

For Petitioners : Mr.P.Vasanth

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 506(1), in Crime No.7 of 2020, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Anitha is that, the petitioners are the mother and father of A1. The de-facto complainant is the wife of A1 and she alleged that she had some matrimonial dispute with A1 and he has assaulted her in a drunken state. He was also in an illegal relationship with another lady. Hence, the complaint.

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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 and the de-facto complainant are husband and wife. Due to some matrimonial dispute, the de-facto complainant left the house of A1 and later came back. Thereafter, A1 assaulted the de-facto complainant and therefore, she filed a complaint. A1 was arrested and now he is released on bail and there is no serious allegation against the petitioners, as the dispute was between A1 and the de-facto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsel that the petitioners are the mother and father of A1 and there is no serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Ambattur, on condition that the petitioners shall execute separate bonds 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 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 every day at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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 themselves 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.

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

-sd/-

05/01/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
W-28 ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI.

CC to M/S.P.VASANTH Advocate on payment of necessary charges
Sr.104

CRL OP.20490/2020

Date :05/01/2021

RVR 11/01/2021

WEB COPY