

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20649 of 2020

S.Vennila

... Petitioner/Accused

-Vs-

The State represented by
Inspector of Police,
Velangoundampatti Police Station,
Namakkal District.
(Crime No.859 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.859 of 2020 pending on the file of the respondent police.

For Petitioner : M/s.R.Saritha

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323, 341 and 506 (i) of IPC, in Crime No.859 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is the sole accused. The petitioner is an advocate and the defacto complainant is the mother-in-law of the petitioner. The case of the prosecution is that the petitioner attempted to trespass into the house of the defacto complainant along with her children and also criminally intimidated her. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the co-owner of the property purchased along with her husband, who is the son of the defacto complainant, and she had left the matrimonial home and living along with her children at Chennai. On the date of occurrence, she visited the house of the defacto complainant and others, she was attacked by them and the petitioner lodged a complaint which was registered in Crime No.858 of 2020 and the present crime against the petitioner is a counter blast

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was a family dispute regarding the house property. The petitioner claiming as co-owner of the property and the allegation is that on the date of occurrence, the petitioner along with others tried to attack the defacto complainant and a counter case is also pending.

5.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his 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.I, Namakkal, on condition that the petitioner 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

18/01/2021

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.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VELANGOUNDAMPATTI POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.D.PRASANNA Advocate on payment of necessary charges

CRL OP.20649/2020

Date :18/01/2021

RVR 03/02/2021

WEB COPY