

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12820 of 2019

1 RAMAN
2 SUBRAMANI
3 BALAJI
4 SELVI
5 VASANTHA
6 GOMATHI
7 DHANAKOTTI
8 LAKSHMI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY ITS
THE STATION HOUSE OFFICER,
THAKKOLAM POLICE STATION,
VELLORE DISTRICT.
CR.NO.138 OF 2019.

[RESPONDENT]

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences under Sections 147, 448, 294(b), 323, 324, 342, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 in Crime No.138 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute, there was a quarrel between defacto complainant's family and the petitioners' family. The petitioners joined together and assaulted her family members and made life threat Hence, the complaint.

3.The learned counsel for the petitioners would submit that the allegations levelled against the petitioners are totally false and they have not committed any such offences. Hence, he prays for grant of Anticipatory Bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that there was a wordy altercation between the petitioners and the defacto complainant and the petitioners assaulted the family members of the defacto complainant and also threatened her with dire consequences and a case in counter is also pending in Cr. No.139 of 2019. However, she opposed to grant Anticipatory Bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Judicial Magistrate, Arakkonam 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 conditions that:

[a] the petitioners and the sureties shall affix their photograph 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 thereafter 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
15/05/2019

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
THAKKOLAM POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR NO.9819

CRL OP.12820/2019

MK:20/05/2019

Date:15/05/2019

WEB COPY