

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)
Monday, the Eighth day of July Two Thousand Nineteen
PRESENT
The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17182 of 2019

1 GOVINDASAMY
2 MOHANA PRIYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
S-13, CHROMPET POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.379 OF 2019.

For Petitioner : M/S. VIVEKANANDHAN K.B. Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDL.PUBLIC PROSECUTOR

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 offences punishable under Sections 294 (b) 323 and 506(1) of IPC in Crime No.379 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant one namely Sathiyarani on 22.06.2019 lodged a complaint alleged that the petitioners trespassed in to the house site of her daughter and remove the gate. While her daughter question their illegal act, the petitioners started to assault the defacto complainant's daughter, while the defacto complainant went to rescue her daughter and her grand daughter, the petitioners also started to assault her also. Hearing the crying sound of the baby, her son in law come out from the house and try to stop the petitioners from assaulting the defacto complainant. But the petitioners started to beat her son in law also. The 1st petitioner throw a Manvetti against the defacto complainant's son in law, her son in law escaped, it hurt the 2nd petitioner. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were not committed any offence as alleged by the prosecution. Further, he submitted that case in counter is pending in Crime No.217 of 2014. Therefore, he prays to grant anticipatory bail to the

4.The learned Additional Public Prosecutor would submit that the victim was simple injured and treated as outpatient. However, she vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the above fact and circumstances of the case, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tambaram on condition that each petitioner shall execute a 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 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 daily at 10.30 a.m., for a period of two weeks and 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/07/2019

WEB COPY

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,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-13, CHROMPET POLICE STATION, KANCHEEPURAM DISTRICT.

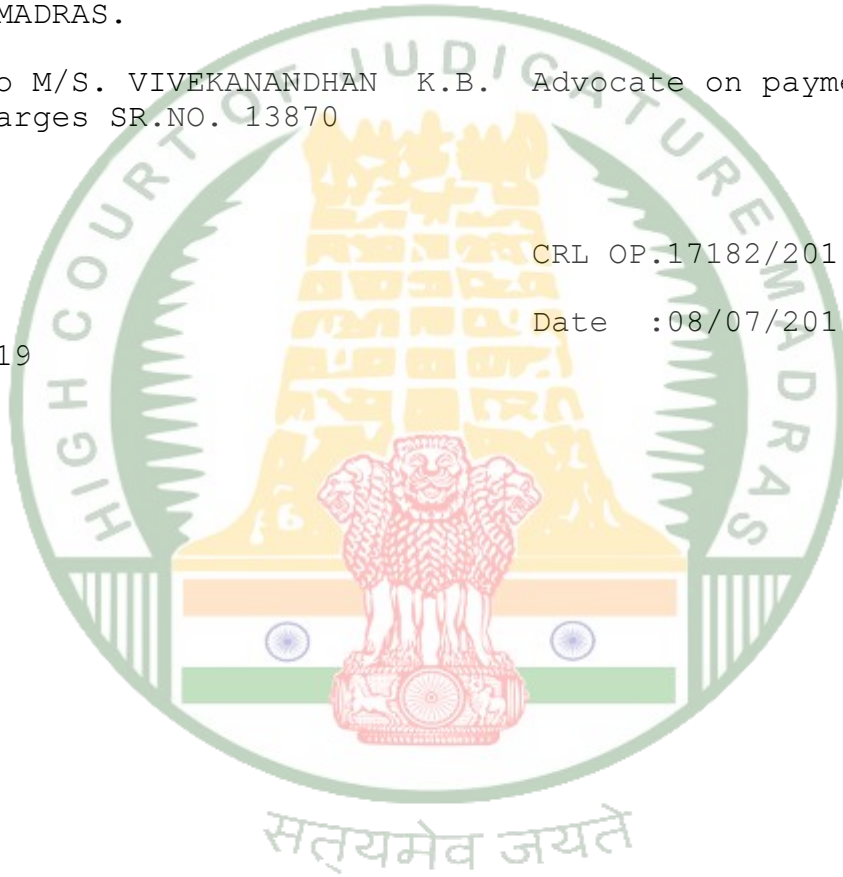
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. VIVEKANANDHAN K.B. Advocate on payment of
necessary charges SR.NO. 13870

CRL OP.17182/2019

Date :08/07/2019

CSL/16.07.2019



WEB COPY