

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6395 of 2020

1. R.Venkatesan, S/o.Ramasamy,
aged about 44 years,
- 2.V.Kamatchi, S/o.Venkatesan,
aged about 38 years,
- 3.S.Kumar, S/o.Sivananthan,
aged about 45 years,
4. R.Raja, S/o.Ramasamy,
aged about 39 years,

All are residing at
Periya Kozhpalur Village,
Chetpet Taluk,
Thiruvannamalai District.

... Petitioners

Vs.

State rep. by
The Sub Inspector of Police,
Peranmallur Police Station,
Thiruvannamalai District.
Cr. No.85 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the **petitioners** on bail in the event of **their** arrest in Crime No.85 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.R.Appaswamee
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 427, 323, 324, 325, 379, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.85 of 2020 seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with A2 had trespassed into the house of the de-facto complainant and assaulted the defacto complainant and her husband. Further, the petitioners had looted a sum of Rs.2 lakhs from their petty shop and Rs.50,000/- from their house Hence, the complaint.

3. The learned counsel for the petitioners would submit that the 1st petitioner's daughter and son of the de-facto complainant fell in love and got married. He would further submit that the petitioners went to the house of the de-facto complainant and questioned about the elopement of their daughter and the son of the de-facto complainant. He would further submit that the petitioners have been falsely implicated in this case and no such occurrence was happened. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with A2 had trespassed into the house of the de-facto complainant and assaulted the defacto complainant and her husband. Further, the petitioners had looted a sum of Rs.2 lakhs from their petty shop and Rs.50,000/- from their house. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that admittedly, the 1st petitioner daughter and the son of the de-facto complainant got married and the same was questioned by

the petitioners, the de-facto complainant lodged a complaint before the respondent police. Further, there are totally 5 accused persons involved in this case and the present petitioners are arrayed as A1, A3 to A5.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Cheyyar, on condition that each of the petitioners 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 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 1, 3 and 4 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 2nd petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

G.K.ILANTHIRAIYAN, J

msrm

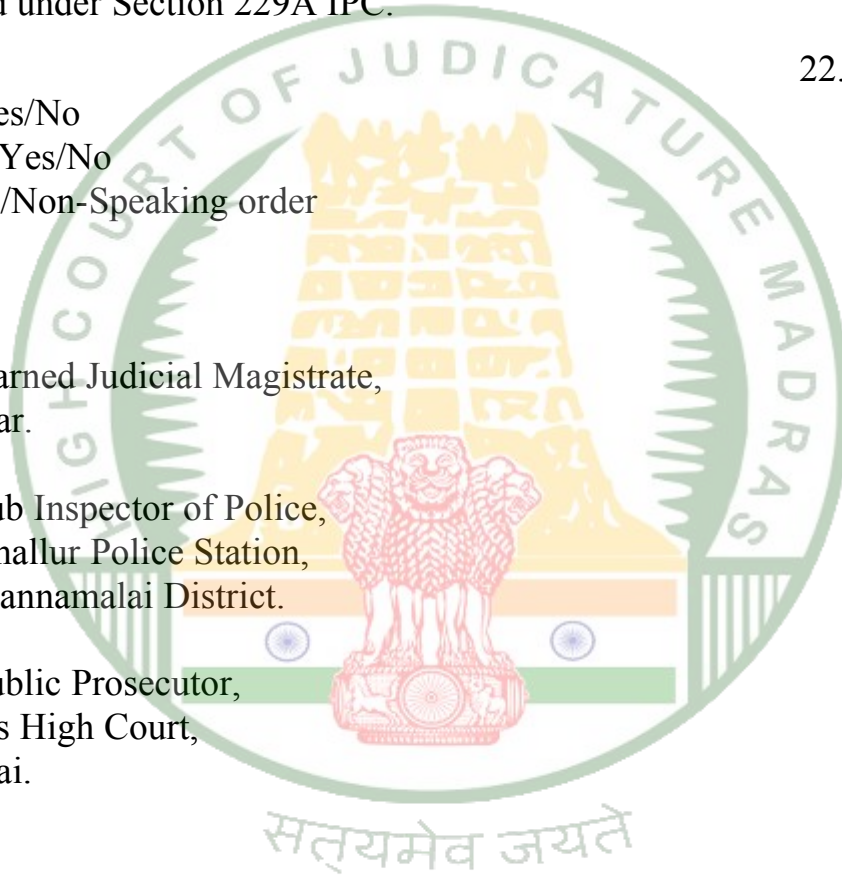
[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

22.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
msrm

To

1. The learned Judicial Magistrate,
Cheyyar.
2. The Sub Inspector of Police,
Peranmallur Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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