

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.8064 & 8062 of 2020

1. Rajalakshmi (F/25) ... Petitioner in Crl.O.P.No.8064 of 2020
2. Anbuselvan (M/24) ...Petitioner in Crl.O.P.No.8062 of 2020

Vs.

State rep by

Inspector of Police,

Valangaiman Police Station,

Tiruvarur District.

(Crime No.896 of 2020)

... Respondent in both cases

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.896 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 of IPC and Section 4 of the Prohibition of Harassment of Women Act 2002, in Crime No.896 of 2020 on the file of the respondent police.

2. The case of the prosecution is that there was a local body election between the petitioners and the de-facto complainant, as a result of which , on 08.05.2020, the petitioners along with A1 had gone to the house of the de-facto complainant and attacked them and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a dispute relating to local body election between the petitioners and the de-facto complainant, as a result of which , on 08.05.2020, the petitioners along

with A1 had gone to the house of the de-facto complainant and attacked them and caused injuries. He would further submit that the victim has been discharged from the hospital and there is no previous case pending as against the petitioners.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant of 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 is made ready, before the learned Judicial Magistrate, Velangaiman, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners shall not abscond either during 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 229-A IPC.

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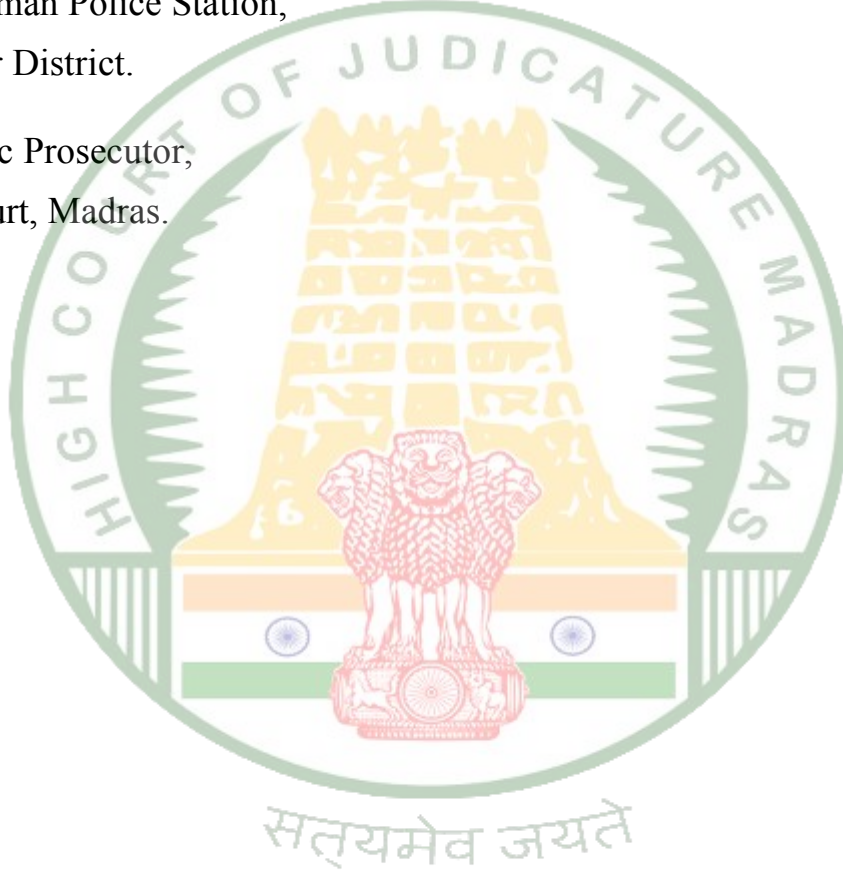
02.06.2020

Internet : Yes/No

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To.

1. The learned Judicial Magistrate,
Velangaiman.
2. The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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