

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P. No.8169 of 2020

1.Ramu
2.Velu

... Petitioners

Vs.

State represented by
The Inspector of Police,
Oragadam Police Station,
Crime No.943/2020,
Kancheepuram District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.943 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.M.Rahamath Ali

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 427, 506(ii) of IPC and Section 4 of the Tamil Nadu Women (Prohibition of Harassment) Act, in Crime No.943 of 2020 on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners purchased cigarette from the defacto complainant at the higher cost. Due to which, a wordy quarrel arose between the petitioners and the defacto complainant and hence, the petitioners abused the defacto complainant and his relatives by using filthy language and assaulted them by hands and sticks. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that due to wordy quarrel, the petitioners abused the defacto complainant and his relatives by using filthy language and assaulted them by hands and sticks. He would further submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand Only) each, to the credit of Crime No.943 of 2020 and on such deposit and on production of proof, 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 District Munsif-cum- Judicial Magistrate, Sriperumbudur, on further condition that, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 surety 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 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.

-sd/-

05/06/2020

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 DISTRICT MUNSIFF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ORAGADAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S A.M. RAHAMATH ALI Advocate on payment of necessary charges

CRL OP. 8169/2020

Date : 05/06/2020

RVR 23/06/2020

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