

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

Crl.O.P.No.8293 of 2020

1. Dhandapani
S/o. Subramani

2. Hari Krishnan
S/o. Subramani

3. Boopathi
S/o. Subramani

4. Indumathi
W/o. Dhandapani

... Petitioners

vs.

State rep. By
The Inspector of Police
H-1 Otteri, Vandalur Police Station,
Chennai - 600 048.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Cr.No.115 of 2020 on the file of the H-1 Otteri, Vandalur Police Station, Chennai - 600 048.

For Petitioners : Mr.D.Prasanna

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioners/A1, A2, A3 & A5, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 323, 506(ii) IPC in Crime No.115 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is a family dispute regarding property and the parties seem to have abused each other resulting in a case and counter.

3. The learned counsel for the petitioner submitted that the dispute is among the siblings with regard to right over the property. The learned counsel further submitted that the counter complaint is also pending investigation.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent, submitted that it was a property dispute among the parties and parties only sustained simple injuries.

5. Taking into consideration the facts and circumstances, 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 II, Chengalpattu, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each with two sureties for a like sum and those sureties can be a common surety for all the petitioners, 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 are directed to appear before the respondent police, as and when required.

[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 petitioners released on bail by the learned Magistrate/Trial Court

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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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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