

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

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

CrI.O.P.No. 9473 of 2020

1. M.Gobu, M/38,
S/o.Munusamy,
2. Mrs.Gowri, F/30,
W/o.Gobu,
3. Vicky @ G.Vignesh, M/18,
S/o.Masilamani,
All are residing at,
Kudiyanaavar Street,
Cheyyur Village & Post, Cheyyur Taluk,
Chengalpattu District.

...Petitioners

-Vs

State rep by;
Inspector of Police,
Cheyyur Police Station, Kancheepuram District.
(Crime No.715 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.715 of 2020 on the file of the respondent police.

For Petitioners	: Mr. G. Balamanikandan
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 294(b), 323, 324 & 506(ii) of I.P.C in Crime No.715/2020, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the first petitioner attacked the defacto complainant and his brother and other petitioners abused them in filthy language. Hence the complaint.

3. The learned counsel for the petitioners would submit that the the petitioners and the defacto complainant are relatives. Since there was a wordy quarrel between them, false complaint has been lodged by the defacto complainant. The Petitioners are innocents. Therefore, he prays to grant anticipatory bail to the petitioners.

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant during the wordy quarrel between them and caused injury and the defacto complainant has been

discharged from the hospital and there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured discharged from the hospital, 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, Maduranthagam, 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 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]**.

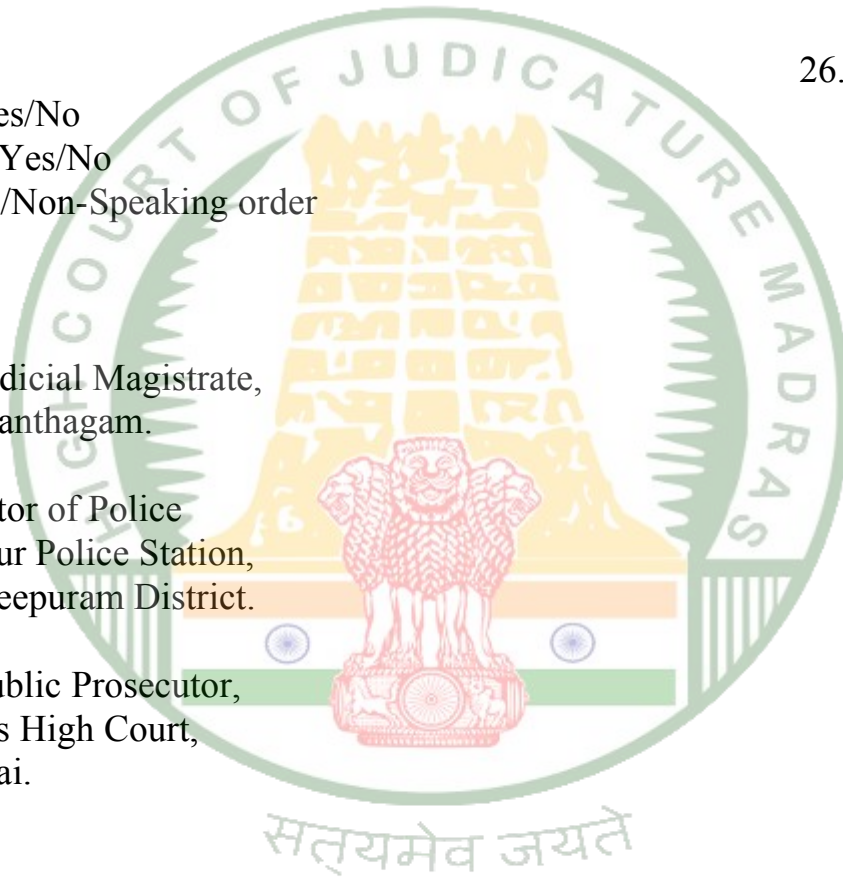
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

26.06.2020

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

To

1. The Judicial Magistrate,
Maduranthagam.
2. Inspector of Police
Cheyyur Police Station,
Kancheepuram District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY

G.K.ILANTHIRAIYAN, J

bga



Crl.O.P.No. 9473 Of 2020

WEB COPY

26.06.2020