

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9535 of 2020

1. Velusamy

2. Kumaresan

3. Munusamy

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
(Cr. No.74 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.74 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 324, 447 and 506(ii) of IPC and Section 4 of Tamilnadu
Prohibition of Harassment of Women Act, in Crime No.74 of 2020, on
the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that there was a wordy
quarrel between the family of the petitioners and the defacto
complainant regarding the civil dispute pending between the parties
and the petitioners assaulted the defacto complainant and also abused
her in a filthy language. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit
that the petitioners were falsely implicated in this case. In fact
already civil dispute is pending between the petitioners and the
defacto complainant and that the respondent without conducting proper
enquiry has registered the present case against the petitioners. He
would further submit that the petitioners did not commit any offence
as alleged by the prosecution. Hence, he prays to grant anticipatory
bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there was a wordy quarrel between the parties regarding the civil dispute and the petitioners attacked the defacto complainant and also abused her in a filthy language. He further submitted that the injured discharged from the Hospital and there is one previous case pending against the petitioners. Hence, the learned Public Prosecutor opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact 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 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 No.II, Mettur, Salem District, on condition that each of the petitioner 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/06/2020

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 JUDICIAL MAGISTRATE,
NO.II, METTUR, SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT

CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.9535/2020

cs 23/07/2020

Date : 29/06/2020

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