

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9698 of 2020

1. Vijayakumar
S/o, Parthasarathy

2. Surya @ Suryakumar
S/o, Janakiraman

Both are residing at
4/240, Kavarai street,
Thaiyur, Thiruporur Taluk,
Chengalpet District.

3.Arun @ Arunkumar,
S/o, Janarthanan,
82/2, Ramasamy street,
Puliyanthope,
Chennai District.Petitioners/A3,A4 & A6

Vs.

The State rep by
The Inspector of Police,
Kelambakkam Police Station,
Kancheepuram District.

Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail in the event of arrest in Crime
No.741 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.N.Arunkumar

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

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O R D E R

The Petitioners who are apprehending to arrest by the respondent
police for the offences punishable under Sections 147, 148, 294(b),
324 and 506(ii) of IPC r/w section 4 of Tamil Nadu Prohibition of
Women Harassment Act 2002, in Crime No.741 of 2020, seeks
anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant and it is alleged that the petitioners assaulted the defacto complainant and abused him in filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant and the injured discharged from the hospital. No previous case is pending as against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above 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 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, Additional Mahila Court, Chengalpattu, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. Accordingly, this Criminal Original Petition is ordered.

-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
ADDITIONAL MAHILA COURT JUDGE,
CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
KELAMBAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT,

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

WEB COPY

CRL OP.9698/2020

Date :29/06/2020

rd 28/07/2020