

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9903 of 2020

1. Chandiran
2. Vasantha
3. Susmitha
4. Saraswathi

...Petitioners

Vs.

State rep. by Inspector of Police
Madurantakam Police Station,
Kancheepuram.
(Crime No.768 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.768 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Ragavendran

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 147, 448, 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harrassment of Women Act, 1998, in Crime No.768 of 2020 seek anticipatory bail.

2. The case of the prosecution is that when the Petitioners tried to uproot Palm tree, the sane was questioned by the defacto complainant and on the same, the Petitioners attacked and abused the Defacto Complainant and hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and have not committed any offence or much less offence as detailed by the respondent herein and futher submit that the defacto complainant with a view to harass the 1st Petitioner and his family members, arrayed his entire family in the said complaint and the allegation by the defacto complainant in the

complaint is false and baseless. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner attacked the defacto complainant during the wordy quarrel over the land dispute and the injured have been discharged from the hospital and there is no previous case against the petitioners and 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 have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner 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 the 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.

-sd/-
02/07/2020

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,
MADURANTHAGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADURANTAKAM POLICE STATION,
KANCHEEPURAM.

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

CRL OP.9903/2020

Date :02/07/2020

TA-29/07/2020

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