

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10508 of 2020

1.Ganesan
2.Anbu
3.Singaram
4.Mari @ Perumal
5.Dharuman
6.Vinoth
7.Amirdham
8.Saradha
9.Rani @ Selvarani

.... Petitioners/Accused

Vs.

The State represented by,
The Inspector of Police,
Jolarpet Police Station,
Vellore District.

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No. 426 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 506(ii), 307 of IPC read with Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No. 426 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the defacto complainant's son eloped with the daughter of the 1st accused. Enraged by the said act, the 1st accused along with his wife and other relatives trespassed into the house of the defacto complainant, abused her in filthy language, assaulted and also caused damaged to the house hold articles to the tune of Rs.6 lakhs.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the A1's daughter and the defacto complainant's son were in love and they eloped from the house, thereby, the petitioners being the relatives of the 1st accused, went in search of her into the house of the defacto complainant, for which, she had given a false complaint against them. He would further submit that the co-accused persons were released on bail granted by this Court in CrI.O.P.No.10315 of 2020, dated 09.07.2020. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor would submit that the 1st accused daughter and the defacto complainant's son eloped from Coimbatore. The petitioners unable to find their daughter, trespassed into the complainant's house, assaulted her and her family members and also caused damage to the house hold articles to the tune of Rs.6 lakhs. The petitioners only made an attempt to injure the defacto complainant but nobody was injured.

5 Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6 Accordingly, the petitioners are directed 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.I, Thiruppathur, on condition that the each 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 one week 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 With the above directions, this Criminal Original Petition is ordered.

-sd/-
14/07/2020

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,
NO.I, THIRUPPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT

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

CRL OP.10508/2020

Date :14/07/2020

RVR 03/09/2020

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