



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Crl.O.P.No. 10627 of 2020

1. S. Selvaraj
2. S. Devraj
3. E. Narayanasamy
4. Kanniyammal
5. Surya

... Petitioners

-Vs-

State Rep. By the Inspector of Police,
Sunguvachatram Police Station,
Sunguvachatram, Kancheepuram District.
(Crime Number not unknown of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime Number not Unknown of 2020 pending on the file of the Respondent Police.

For Petitioners : Mr.L.Baskaran

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 147, 148, 294(b), 323 & 324 of IPC r/w 4 of Women Harrassment Act in Crime No. not known of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners abused and assaulted the defacto complainant and he sustained grievous injuries. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours cum relatives and there was a property dispute. He would submit that the defacto complainant has also assaulted the relatives of the petitioner and on the complaint given by one Subramanian, the relative of the petitioners, a counter has been registered against the defacto complainant and the relatives. Only as a counter blast, this complaint has been given against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor submitted that the petitioners and the defacto complainant are neighbours cum relatives and due to a property dispute the petitioners have abused the defacto complainant and assaulted her and injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, 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, Sriperumdhur, Kancheepuram District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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.



8. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-

16/07/2020

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,
SRIPERUMDHUR, KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SUNGUVARCHATRAM POLICE STATION,
SUNGUVARCHATRAM, KANCHEEPURAM DISTRICT.

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

CRL OP.10627/2020

Date :16/07/2020

RVR 04/09/2020