

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10881 of 2020

1.Rajeswari
2.Ellammal
3.Poothuraj @ Poothurajan
4.Kubendiran

... Petitioners

Vs.

State rep. by its
The Inspector of Police,
Vazhapandal Police Station,
Vellore District.
Crime No.324 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.324 of 2020 pending investigation on the file of the respondent police.

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 offence punishable under sections 147, 148, 294(b), 323, 332, 353, 392 IPC r/w.section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No. 324 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Chitra, who is Sub Inspector of Police, Prohibition Enforcement Wing, Ranipet, is that on information they have conducted a raid in Ponnammangalam. At the time, the accused persons have joined together and prevented the police party from conducting raid and also assaulted the police and snatched a cell phone from one of the police man. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since, they happens to be the relatives of the main accused. He would further submit that the main accused who is alleged to have assaulted the police men has been arrested and enlarged on bail. Asfar as these petitioners are concerned, they have no previous case against them. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioners are residents of Ponnangalam Village. While the defacto complainant along with the police party was conducting prohibition raid, the accused persons have prevented them from discharging their duties and also assaulted them and snatched a cell phone belongs to one of the police man. He would also submit that the arrested accused has been enlarged on bail. However, he would vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that the arrested accused has been enlarged on bail, 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 their arrest by the respondent police or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the District Munsif cum Judicial Magistrate, Arcot, on condition that 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 1 and 2 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.

the petitioners 3 and 4 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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.

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

-sd/-
29/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VAZHAPANDAL POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.10881/2020

Date :29/07/2020

cs 24/08/2020