

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11081 of 2020

1.Balachandaran @ Balachandar
2.Janakiraman

... Petitioners

Vs.

The State rep. by its
The Inspector of Police,
Alivalam Police Station,
Tiruvavur District.
Crime No.848/2020.Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest by the respondent police pending investigation of the case in Crime No.848 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Vijaya Ragavan

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 punishable under Sections 294 (b), 324, 341 and 506(2) IPC in Crime No.848 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute between the defacto complainant's son and the first petitioner's daughter the petitioners abused and attacked the defacto complainant's family members and scolded them in filthy languages. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that there is a case in counter in Crime No.847 of 2020 and that a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to the matrimonial dispute a wordy quarrel occurred between the family member of the defacto complainant and the petitioners. He would further submit 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 also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate, Thiruthuraipoondi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two surety 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30a.m for two weeks and thereafter as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/07/2020

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.11081/2020

Date :27/07/2020

TA-16/09/2020

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