

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Crl.O.P.No.11663 of 2020

1.A.Nagaraj
2.S.George
3.D.Kutty Kannu Anbu @ Anbu
4.A.Babu
5.G.Elayaraja
6.R.Inba @ John Inbaraj
7.A.Guna @ Gunasekaran ... Petitioners

Vs.

State rep. by its
The Inspector of Police,
Vengal Police Station,
Tiruvallur District.
(Crime No.1557 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 arrest by the respondent police in Crime No.1557 of 2020 on the file of the Inspector of Police, Vengal Police Station, Tiruvallur.

For Petitioners : Mr.T.Ravi

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, 294(b), 323, 324 & 506(ii) r/w. 4 of Women Harassment Act in Crime No. 1557 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel in respect of occupying Poromboke land. At that time, the petitioners assaulted the defacto complainant and her relatives using wooden log and iron rod and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that based on the complaint given by the petitioners, a case was registered by the respondent police against the defacto complainant in Crime No.1556 of 2020. Suppressing the fact, a

false complainant 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 in respect of occupying Poromboke land, the petitioners assaulted the defacto complainant with wooden and iron and caused head injury. He would further submit that there is case in counter and there is no previous case as against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and also of the fact that there is case in counter, 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 from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier**, before the Judicial Magistrate-I, Tiruvallur, 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 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.

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

-sd/-
04/08/2020

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-I,
TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
TIRUVALLUR DISTRICT.

+1 CC to M/S.T.RAVI Advocate on payment of necessary charges SR.NO 5858

CRL OP.11663/2020

Date : 04/08/2020

GKS (MK) : 13/08/2020