

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12185 of 2020

1.Viji

2.Valarmathi

... Petitioners/Accused 1 & 2

Vs.

The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District.
in Crime No. 828 of 2020

... 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. 828 of 2020 on the file of respondent - the Inspector of Police, Edaiyur Police Station, Tiruvarur District.

For Petitioners : Mr.N.Palanivel

For Respondent : Mr.K.Prabakar
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 294(b), 352, 323, 506(i), 379 (NP) of IPC and Section 4 of Tamil Nadu Prohibition Woman Harassment Act, in Crime No. 828 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that due to the previous enmity, the petitioners along with other accused came to the defacto complainant's house and had picked up quarrel with her and assaulted her and they have also taken gold chain from her neck and thereby, she has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners and the defacto complainant are neighbours and a false complaint has been given against them by the defacto complainant with an intention to harass the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainants are neighbours and that due to previous enmity the petitioners along with other accused persons have attacked the defacto complainant with hands and snatched her gold chain. He further submit that the injured has been discharged from the hospital and that there is no previous case pending against 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, 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 their arrest or on their appearance, within a period of fifteen after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruthuraipoondi, on condition that 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 every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
14/08/2020

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,
THIRUTHURAIPOONDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
EDAIYUR POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges

CRL OP.12185/2020

cs 09/09/2020

Date :14/08/2020

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