

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

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

CrI.O.P.No.12060 of 2020

1. MADHAVAN
2. SIVAKUMAR
3. MANOJ KUMAR
4. VALTER

... Petitioners

Vs.

State rep. by its
INSPECTOR OF POLICE,
F-5, Pathirvedu Police Station,
Tiruvallur District.
(Cr.No: 892 /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.892 of 2020 on the file of respondent police.

For Petitioner : Mr.K.Mariyappan

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 offence punishable under **Sections 147, 323, 506 (i) IPC R/w 3(2) of TNPPDL Act 1984 in Crime. No.892 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Latha is that one Sunitha who is the wife of her brother-in-law, had committed suicide and the petitioners who are the relatives of the said Sunitha, had come to the house of the dfacto complainant, attacked her, her husband, father-in-law and brother-in-law and caused damages to the hosuehold articles, two wheeler and tracktor. Hence, the complaint.

3. The learned counsel 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 sister-in-law of the first petitioner was given in marriage to the brother-in-law of the defacto complainant and suspecting the harassment committed by the defacto

complainant's family members, the first petitioner's sister-in-law committed suicide, there was some quarrel between the petitioners and the family members of the defacto complainant due to which, a false 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 first petitioner's sister-in-law had committed suicide. Enraged by the same, the petitioners have gone to the house of the defacto complainant, quarreled and assaulted them and also caused damages to the household articles, two wheelers and tractor and that the value of the damages are assessed about Rs.50,000/-. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances and the submissions of the learned counsels, 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 **District Munsif cum Judicial Magistrate, Gumudipoondi**, 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.

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

-sd/-
13/08/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F5, PATHIRVEDU POLICE STATION,
TIRUVALLUR DISTRICT

+1 CC to M/S. K.MARIYAPPAN Advocate on payment of
necessary charges SR.NO.5923

CRL OP.12060/2020

Date :13/08/2020

GKS:20/08/2020