

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12516 of 2020

1.Mullachi @ Gangaiyammal

2.Surya @ Selvasurya ... Petitioners/Accused Nos.3 & 4

Vs.

The State represented by,

The Inspector of Police,

Thiruthuraipoondi Police Station,

Thiruvarur District.

(Crime No.254 of 2019) ... 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. 254 of 2019 on the file of the Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District.

For Petitioners : Mr.Swami Subramanian

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), 324 and 506(ii) of IPC, in Crime No.254 of 2019, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the defacto complainant and the petitioners are neighbours. During the wordy quarrel, the petitioners have attacked the defacto complainant with iron rod and when it was questioned by her daughter, the petitioners have also attacked her with wooden logs and threatened the defacto complainant into dire consequences. Hence, the complaint.

3 The learned counsel for the petitioners would submit that the petitioners are innocent persons and 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 wordy quarrel the petitioners have assaulted the defacto complainant with iron rod and wooden log and thereby, the defacto complainant has sustained injuries. He would submit that the injured has been discharged from the hospital. He further submitted 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 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 ordered to be released on bail in the event of their arrest 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 learned Judicial Magistrate, Thiruthuraipoondi, Thiruvavarur District, 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 first petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and required for interrogation. The second petitioner 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/-
18/08/2020

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,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.12516/2020

Date :18/08/2020

MK:04/09/2020