

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.12439 of 2020

1.S.Kumar
2.L.Vignesh
3.L.Raj
4.Tamilarasi
5.Komala

... Petitioners/Accused 2, 4 to 7

Vs.

The State Represented by ...Respondent/Complainant
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.
Crime No. 788 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to grant an anticipatory bail to the petitioners in the event of their arrest or on their appearance before any Court in connection with the case in Crime No. 788 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr. R.Dineshkumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

(This 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, 294(b), 447, 427 and 506(ii) of IPC in Crime No.788 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had trespassed into the house of the de-facto complainant and caused damage to the property and also abused and threatened the de-facto complainant. The value of the damaged electronic item is at Rs.50,000/-.

3. The learned counsel for the petitioners would submit that the matter has been compromised between the parties and pursuant to which, the accused Nos. 1 and 3 arrested and released on bail. He would further submit that the petitioners are ready to abide the condition imposed by this Court.

4. The learned Additional Public Prosecutor would submit that the petitioners and the de-facto complainant are relatives and they are repeatedly fighting each other. He would further submit that the petitioners had trespassed into the house of the de-facto complainant and caused damage to the electronic items.

5. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

(a) The petitioners are directed to pay a sum of Rs.10,000/- to the credit in Cr.No. **788 of 2020** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Metropolitan Magistrate No.V, Egmore, Chennai**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.**

[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.

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

-sd/-
19/08/2020

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-1, SEMBIUM POLICE STATION,
CHENNAI.

CC to M/S. R.DINESHKUMAR Advocate on payment of necessary charges

CRL OP.12439/2020

Date :19/08/2020

TA-16/09/2020

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