

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12541 of 2020

1.Russel Nickson ... Petitioners
2.Mohan @ Mohana Vigneswaran

Vs.

The State rep by ... Respondent
The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai.
(Crime No.1004 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.1004 of 2020 on the file of the respondent
police.

For Petitioners : Mr. S.Sasikumar
For Respondent : Mr. M.Mohamed Riyaz,
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 offences publishable under Sections 341,
380, 427, 451, 506(ii) IPC, in Crime No.1004 of 2020, on the file
of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant
is that the first petitioner is his son-in-law who married his
daughter on 05.07.2019 and the second petitioner is his
friend. Both the petitioners have entered into the *de facto*
complainant's premises, took away the car bearing Reg. No. TN-07-
CK-9387 without prior information and attempted to hit him by car
and threatened with dire consequences.

3. Learned counsel for the petitioners would submit that the
petitioners are innocent persons and are falsely implicated in the
prosecution. He submitted that a case of matrimonial dispute has

been projected as criminal case. He further submitted that the first petitioner had took away the car keys with prior permission from the *de facto* complainant who is his father in law. Whereas for reasons best known the *de facto* complainant had given a false complaint. Hence, he seeks anticipatory bail.

4. Learned Additional Public Prosecutor would submit the petitioners have forcibly taken the key of the car from the *de facto* complainant and attempted to hit him with car. He further submitted that there are no previous cases as against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Learned counsel appearing for the intervenor would submit that settlement talks are going on and there is possibility for settlement.

6. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a]. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Alandur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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:

[b] 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.

[c] the petitioners shall report before the respondent police as and when required until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

26/08/2020

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 NO.II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY INSPECTOR OF POLICE,
J-8, NEELANKARAI POLICE STATION,
CHENNAI.

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

CRL OP.12541/2020

Date :26/08/2020

TA-21/09/2020