

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12636 of 2020

1. Eswaran S/o. Kasimuthu
 2. Senthilkumar S/o. Kasimuthu
 3. Saradhamani W/o. Kasimuthu
 4. S. Selvi W/o. Senthilkumar
- ... Petitioners

Vs.

The State represented by
The Inspector of police,
Gudimangalam police station,
Tiruppur District.
Crime No.1396 of 2020

... Respondent

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.1396 of 2020 on the file of the respondent
police.

For Petitioners : Mr.N.Umapathi

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(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 294(b),
323, and 506 (i) IPC, in Crime No.1396 of 2020, on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant
is the father in law of the first petitioner. Due to a family
dispute between the petitioners and the defacto complainant, the
petitioners assaulted and pushed the defacto complainant, due to
which the defacto complainant fell down and sustained injuries.
Hence the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent and that they have been falsely implicated
in this case. He further submitted that the incident happened due to
a family quarrel and there is also a case in counter in Crime No.1397

of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the father in law of the first petitioner. Due to a family dispute between the petitioners and the defacto complainant, the petitioners attacked and pushed the defacto complainant, due to which the defacto complainant fell down and sustained fracture. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has also 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 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-II, Udumalpet, Tirupur on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two 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:

[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 daily 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/-
21/08/2020

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, UDUMALPET, TIRUPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

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

CRL OP.12636/2020

Date :21/08/2020

RD 08/09/2020

सत्यमेव जयते
WEB COPY