IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13130 of 2020

1.Rajamani
2.Malika ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.995 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest in connection with Crime No.995 of 2020 on the file of respondent police.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mr. M.Mohamed Riyaz
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 offences punishable under Sections 294 (b), 323, 324 and 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime. No.995 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute there was a wordy quarrel between the petitioners and the de facto complainant and it is alleged that the petitioners have assaulted the de facto complainant with wooden log. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the de facto complainant and the injured discharged from the hospital. He further submitted that there are no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his 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 Additional Mahila Court, Krishnagiri (Judicial Magitrate Level), 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:

[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 daily at 10.30 a.m. 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE ADDITIONAL MAHILA COURT,
KRISHNAGIR(JUDICIAL MAGISTRATE LEVEL)

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.13130/2020

Date :28/08/2020

RVR 22/09/2020

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