

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13227 of 2020

1. Balasubramaniyan ... Petitioners
2. Chandru @ Balachandran
3. Suresh

Vs.

State Rep. by
The Inspector of Police
Muthupettai Police Station,
Tiruvarur District.
(Crime No.2234 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.2234 of 2020, on the file of the respondent police.

For Petitioners : Mr. N. Palanivel
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(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 147,148, 294(b), 324, 506(2) and 307 IPC and Section 4 of Women Harassment Act, in Crime No.2234 of 2020, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Hariharan is that there was a dispute with regard to property. A3, the father of the defacto complainant had fight with the mother of the defacto complainant and on 09.08.2020, A3 along with other accused had assaulted the defacto complainant and his mother with wooden logs, due to which, the defacto complainant sustained injury to his middle finger and his mother sustained injuries on her head.

3.The learned counsel appearing for the petitioners would submit that since there was a land dispute between A3 and his wife, this alleged case has been falsely foisted against the petitioners. He would further submit that the injured have been discharged from the hospital.

4.The learned Additional Public Prosecutor would submit that the petitioners along with A3, the father of the defacto complainant assaulted the defacto complainant and his mother, resulting in them sustaining injuries. He would further submit that the injured has been discharged from the hospital. He would further submit that there is no previous case pending against these petitioners.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered 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 Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Tiruthuraipoondi, on condition that each of 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:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the Thanjavur Town Police Station everyday 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.

With the above direction, 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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,
THANJAVUR TOWN POLICE STATION,

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

CRL OP.13227/2020

Date :28/08/2020

TA-22/09/2020

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