

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.13435 of 2020

1 RAMACHANDIRAN
2 POONGAVANAM
3 DEVI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.69 OF 2020.

[RESPONDENT]

For Petitioner : M/S.K.T.S.SIVAKUMAR Advocate

For Respondent : MR. V.SHARATHA DEVI, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 324 and 307 of IPC in Crime No.69 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 29.02.2020 at 03.00 p.m., due to a wordy quarrel that arose between the defacto complainant and the 1st petitioner, who are own brothers, it is alleged that the 1st petitioner along with his son and daughter-in-law, 2nd and 3rd petitioners herein, said to have attacked the defacto complainant with a sickle and caused grievous injuries to him.

3. The learned counsel appearing for the petitioners would submit that the petitioners are close relatives of the defacto complainant and the incident took place due to a family dispute when the defacto complainant came to the house of the petitioners. The learned Counsel further submitted that the defacto complainant only attacked the 3rd accused Kumari, who is the wife of the 1st petitioner and when the 1st petitioner attempted to secure his wife, in that process, he also sustained injury and admitted in the hospital and a counter case has also been registered against the defacto complainant. He would also submit that the earlier anticipatory bail petition moved by the petitioners were dismissed in Crl.O.P.No.6426/2020 by order dated 23.3.2020 on the ground that the

victim was not yet discharged from the hospital. Now, the injured defacto complainant has been discharged from the hospital. Hence, the learned Counsel for the petitioners prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submitted that the injuries caused by the petitioners to the defacto complainant were grievous, therefore, he was taking treatment for quite a long time and now the defacto complainant has been discharged from the hospital. The learned Government Advocate further submitted that the defacto complainant and the 1st petitioner are own brothers and due to a family dispute among them, the alleged incident took place and it is the second anticipatory bail petition filed by the petitioners.

5.Taking note of the facts and circumstances, more particularly, the fact that it was only a dispute arose among the family members which led to causing injuries and now the injured is already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Thiruvannamalai, on condition that the each of the petitioners shall execute a 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 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 police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
21/09/2020

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, THIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR no. 6348

CRL OP.13435/2020

Date :21/09/2020

RD 25/09/2020

WEB COPY