

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13583 of 2020

1. K.Velu
 2. K.Venkatesan
 3. Ramalingam
 4. G.Ponnurangam
 5. G.Sampath
- Petitioners

Vs.

The State represented by,
The Station House Officer,
R.K.Pet Police Station,
R.K.Pet Taluk, Thiruvallur District.
(Crime No. 1955 of 2020) Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.1955 of 2020 on the file of the repondent police.

For Petitioners : Mr.P.R.Thiruneelakandan

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 147, 294B, 323 of IPC and Section 4 of the Women Harassment Act, in Crime No.1955 of 2020, seek anticipatory bail.

2. The case of the prosecution is that during a quarrel, the petitioners and other accused abused and attacked the defacto complainant and his daughter with wooden log and iron rod, thereby they sustained grievous injuries. 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. He would also submit that the co-accused (A1) in this case was already granted anticipatory bail by this court in CrI.OP.No.11376 of 2020 on 05.08.2020 and a counter case has also been filed by A1 in this regard in Crime No.1954 of 2020. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 is a road contractor and the defacto complainant asked him to do the work in a proper manner, due to which there was a wordy quarrel between him and the de-facto complainant, as a result of which, A1 along with these petitioners abused and attacked the de-facto complainant and caused simple injuries.

5. Considering the above fact and circumstances of the case, and also the fact that the injury was simple in nature, 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, Pallipet, on condition that each petitioner 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 two weeks and thereafter, every Monday 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 petitioner 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/09/2020

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,
PALLIPET.

2 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT, CHENNAI.

3 THE STATION HOUSE OFFICER,
R.K.PET POLICE STATION, R.K.PET TALUK,
THIRUVALLUR DISTRICT, TAMILNADU.

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

CRL OP.13583/2020

Date :03/09/2020

MK:16/09/2020

WEB COPY