

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14450 of 2020

1. Saravanan @ Saravanakumar
2. Thangamani
3. Vasantha
4. Rajaram

... Petitioners

Vs.

State Represented by :-
The Inspector of Police,
Sooramangalam Police Station,
Salem City.
Cr. No.222 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.222 of 2020 on the file of the Respondent police.

For Petitioners : Mr.M.Subash

For Respondent : Mr.T.Shanmugarajeswaran
Govt. Advocate (Crl. side)

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 alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC read with Section 3 (1) of TNPPDL Act in Crime No.222 of 2020 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners and the defacto complainant are family members. There was a property dispute between the petitioners and the defacto complainant. Due to which, the petitioners along with other accused trespassed the defacto complainant's house and attacked the defacto complainant's mother, wife and sister and abused them in filthy language and damaged the house hold articles. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against the petitioners and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. side) would submit that there was a wordy quarrel between the petitioners and the defacto complainant. Due to which, the petitioners attacked the defacto complainant's family members and damaged the house hold articles, worth about Rs.5,000/-. Therefore, the defacto complainant's wife sustained injuries. The injuries are simple in nature. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the submissions of the learned Counsel and the victim has sustained only simple injuries and the victim has been discharged from the hospital and also there is no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate-II, Salem, on condition that the petitioners shall execute 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 10.30a.m., for the period of two weeks and thereafter, as and when required.

[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/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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/09/2020

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, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM CITY.

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

WEB COPY

CRL OP.14450/2020

Date :17/09/2020

cs 05/10/2020