

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14428 of 2020

1. D.Elumalai

2. E.Mageswari

3. E.Manickam @ Panner

... Petitioners

vs.

State rep. By

The Inspector of Police,

Avadi Police Station,

Chennai.

Crime No.1087/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.1087 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.Vijayasankar

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 448, 294 (b), 323, 324, and 506 (ii) of IPC in Crime No.1087 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioners' family and the defacto complainant's family regarding the love marriage between the first petitioner's daughter and defacto complainant's brother-in-law. Therefore, the petitioners trespassed into the house of the defacto complainant and assaulted with vessels on the head of the defacto complainant's husband, as a result of which, he sustained injuries. He in his 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 further submit that since the defacto complainant's brother in law married the first petitioner's daughter, a false case has been foisted against them. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital. He would further submit that there are no previous cases pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Poonamallee, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 1 and 3 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders. The second petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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.

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

-sd/-
16/09/2020

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,
POONAMALLEE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AVADI POLICE STATION,
CHENNAI.

+1CC to M/S A.VIJAYASANKAR Advocate on payment of necessary charges SR NO.6292

CRL OP.14428/2020

Date :16/09/2020

MK:28/09/2020