

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.15431 of 2020

1. P. Arumugam
2. A. Bharathi

... Petitioners

Vs.

The State represented by
Inspector of police,
Chemmencherry police station,
Chennai
Crime No.861 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 arrest in
Crime No.861 of 2020 on the file of the respondent police.

For Petitioners : Mr.Abdul Basthi

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 294
(b) , 324 and 506(i) of IPC r/w 4 of the Women Harassment Act, in
Crime No.861 of 2020, on the file of the respondent police, seek
anticipatory bail.

2. The case of the prosecution as per the defacto complainant is
is that there was a family dispute between the petitioners and the
defacto complainant, for which a wordy quarrel arose between them and
the petitioners assaulted the defacto complainant. Hence the
complaint.

3. The learned Counsel for the petitioners would submit that
there was a family dispute between the petitioners and the defacto
complainant, for which the petitioners have already lodged a
complaint against the defacto complainant. As a counter blast the
present complaint has been lodged by the petitioners. He would
further submit that the petitioners are innocent persons and they
have been falsely implicated in this case. Hence, he prays for grant
of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners assaulted the defacto complainant. The petitioners have earlier lodged a complaint against the defacto complainant. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, 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 arrest or on his appearance, within a period of fifteen days from the date on which the copy of the order is made ready, before the Judicial Magistrate Court, Alandur on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 petitioner 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.

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

-sd/-

30/09/2020

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,
ALANDUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
CHEMMENCHERRY POLICE STATION,
CHENNAI.

+1 CC to M/S. ABDUL BASITH Advocate on payment of necessary charges Sr.6601

CRL OP.15431/2020

Date :30/09/2020

RVR 14/10/2020

सत्यमेव जयते

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