

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15602 of 2020

1.Maruthi Immanuvel ... Petitioners
2.Tamilarasi
3.Mala
4.Yaval

Vs.

State Rep by. ... Respondent
The Inspector of Police
Ambur Town Police Station,
Vellore District.
(Crime No.1823 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of their arrest pending investigation in Crime No.1823 of 2020 on the file of the Respondent police station.

For Petitioner : Mr.T.Muruganantham
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(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, 294(b), 323, 354 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Crime No.1823 of 2020, seek anticipatory bail.

2. The case of the prosecution is that one Suresh son of the Karnan and his family members attended the Baptism of the son of the petitioner. On the day, a jewel belonged to the 1st petitioner's child was missing. Thereafter, the 1st petitioner had suspected the defacto complainant and his family members. On 10.03.2020, the petitioners along with other accused had started a quarrel with the defacto complainant and attacked them and caused simple injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that it is a only a counter blast and the case has been registered against the defacto complainant in Crime No.505 of 2020 and there is no previous cases pending as against the petitioners. Hence, he prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that one Suresh son of the Karnan and his family members attended the Baptism of the son of the petitioner. On the day, a jewel belonged to the 1st petitioner's child was missing. Thereafter, the 1st petitioner had suspected the defacto complainant and his family members. On 10.03.2020, the petitioners along with other accused had invited a quarrel with the defacto complainant and attacked them and caused simple injuries. He would further submit that the victim has been discharged from the hospital.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 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 from the date on which the copy of this order is made ready, before the learned Judicial Magistrate, Ambur, on condition that the petitioners shall execute a 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 conditions 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 Aadhaar 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 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 229-A IPC.

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

-sd/-

05/10/2020

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUT TOWN POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.15602/2020

Date :05/10/2020

TA-15/10/2020