

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15726 of 2020

1.Dhatchanamoorthy, Male, aged about 59 years,
S/o.Kolakkan

2.Govindammal, Female, aged about 52 years,
W/o.Dhatchanamoorthy,

3.Rubakanth, Male, aged about 19 years,
S/o.Dhatchanamoorthy,

All are residing at,
No.373, Big Street,
Sayanavaram Village,
Nemili Taluk,
Vellore District.

... Petitioners/Accused Nos.1 to 3

versus

State rep by its,
The Inspector of Police,
Nemili Police Station,
Vellore District.
(Crime No.385 of 2020)

...Respondent

Prayer:Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.385 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.D.Dayalan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

ORDER

(This 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 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harrassment of Women Act, 1998 in Crime No.385 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a land dispute arose between the petitioners and the de-facto complainant, they have used unparliamentary words and assaulted the de-facto complainant. Hence the complaint.

3. The learned Counsel for the petitioners submitted 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 the petitioners and the de-facto complainant are relatives and due to wordy quarrel, the petitioners assaulted the de-facto complainant and thereby caused injuries in the head and face of the de-facto complainant. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioners and that the victim has been discharged from 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 arrest or on their appearance, **within a period of fifteen days from the date of receipt on which the copy of this order is made ready**, 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 Judicial Magistrate, Arakkonam 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 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

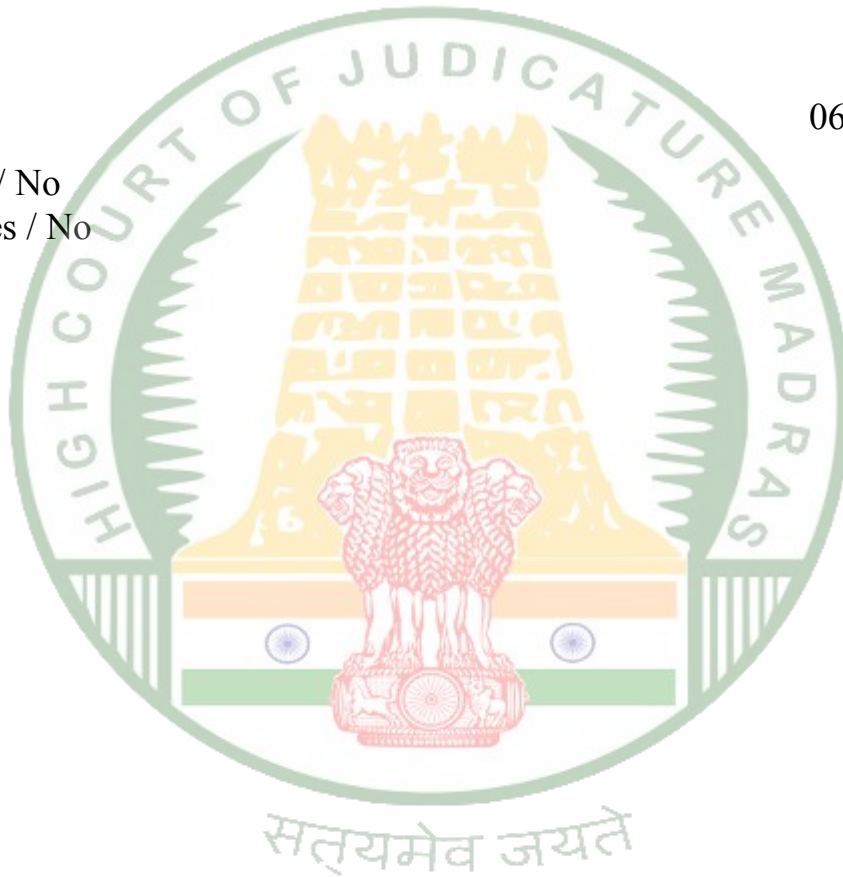
[(2005)AIR SCW 5560].

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

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

06.10.2020

Index : Yes / No
Internet : Yes / No
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A.D.JAGADISH CHANDIRA, J.

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To

1.The Judicial Magistrate,
Arakkonam.

2.The Inspector of Police,
Nemili Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Chennai.



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