

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15956 of 2020

1.Balamurugan
2.Sekar
3.Saravanan

... Petitioners/Accused

Vs.

The State represented by,
The Inspector of Police,
Koyampedu Police Station,
Chennai.
(Crime No.922 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with in Crime No.922 of 2020, on the file of respondent police.

For Petitioners : Mr.T.Umamaheshwaran

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 alleged offences punishable under Sections 294(b), 448, 323, 324, 506(ii) of IPC, in Crime No.922 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant Arokyadas is that he fell in love with one Deepa and also married her on 27.07.2020. While so, the father of the said Deepa viz., Balamurugan had given a complaint that the defacto complainant had abducted his daughter, following which, the defacto complainant and the said Deepa went to the Police Station and the victim Deepa was handed over to her parents. Thereafter, the said Deepa was harassed by her parents and thereby, she has come back to the petitioner's house on 27.08.2020, due to which, on 10.09.2020, the father of the Deepa along with 30 persons came to the house of the defacto complaint and have assaulted him with knife. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the first petitioner viz., Balamurugan is the father of one Deepa and that the

defacto complainant who has already married twice, had abducted daughter of the first petitioner by suppressing the earlier marriage and when the petitioners had questioned the same, a false complainant has been given as if the petitioners along with the other relatives have assaulted him. He would further submit that infact the first petitioner and his daughter are the victims. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant got married the daughter of the first petitioner by suppressing his earlier marriage and enraged by the same, the petitioners along with their relatives gone to the house of the defacto complainant and have assaulted him with wooden logs, knife and hands. He would submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim 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 from the date on which the order copy is made ready, before the learned V Metropolitan Magistrate, Egmore, on condition that each petitioner 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 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 police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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.

-sd/-

09/10/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KOYAMBEDU POLICE STATION,
CHENNAI

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

CRL OP.15956/2020

Date :09/10/2020

RVR 15/10/2020