

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.15946 of 2020

1. Sakthivel
S/o. Ayyanar

2. Sharma
S/o. Sasikumar

3. Srini @ Srinivasan
S/o. Baskar

... Petitioners

Vs.

State rep. by
Inspector of Police,
G-1, Vepery Police Station,
Chennai – 600 007.
[Crime No.1388 of 2020]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.1388 of 2020, on the file of the respondent police.

For Petitioners	: Mr.K.Kannan
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 143, 148, 149, 294(b), 323, 448, 427 and 506(ii) of IPC** in Crime No.1388 of 2020, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Murugan is that on 10.09.2020, the daughter of the first accused namely Monica had eloped with one Saktthivel S/o.Subramani who is the relative of the defacto complainant. The accused suspecting that the defacto complainant would have helped them, had trespassed into the house of the defacto complainant's grandmother and searched for A1's daughter. Since, A1's daughter was not there, the accused assaulted the defacto complainant's grandmother and also damaged the house hold articles.

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3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. Infact, the defacto complainant had informed A1 that his daughter Monica is in

his grandmother's house. Thereby, A1 and his wife had gone to the house of the defacto complainant's grandmother. Whereas, the daughter of A1 was not there and thereby, there was a quarrel between them and a false case has been foisted against the petitioners as if, they assaulted the defacto complainant's grandmother and damaged the household articles. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, she opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submissions of the learned counsels and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioners, 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 II Metropolitan Magistrate, Egmore, Chennai**, 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 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

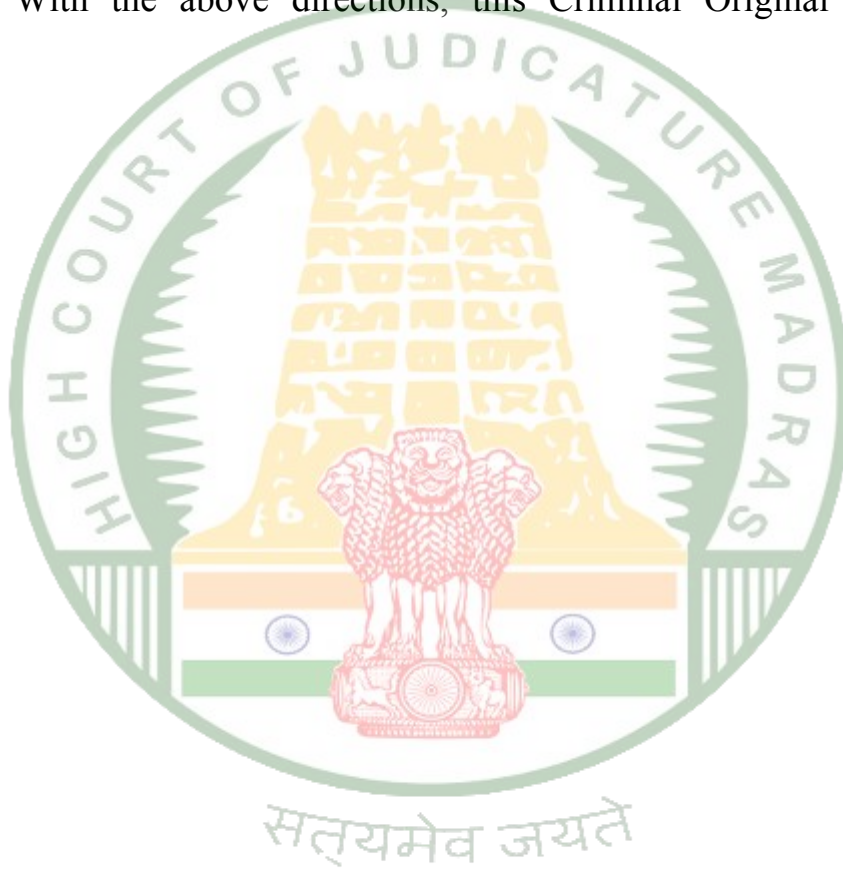
5560].

[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.

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A.D.JAGADISH CHANDIRA, J.

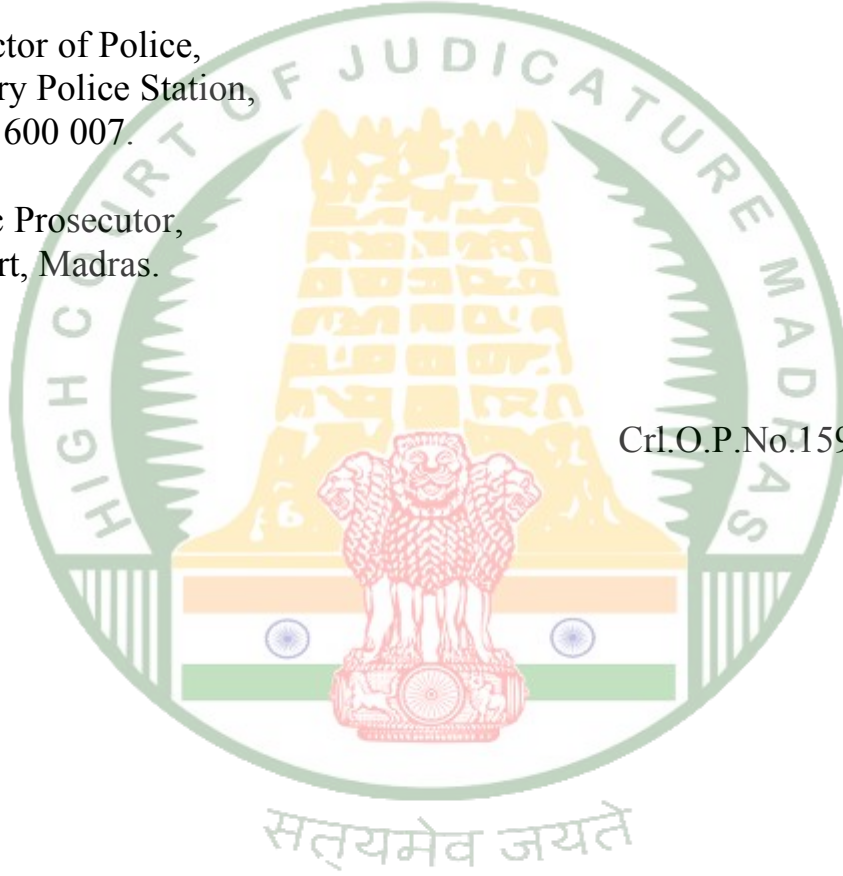
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To

1.The Metropolitan Magistrate No.II,
Egmore, Chennai.

2.The Inspector of Police,
G-1, Vepery Police Station,
Chennai – 600 007.

3.The Public Prosecutor,
High Court, Madras.



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