

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16322 of 2020

1.P.Srinivasan ... Petitioners

2.S.Aruna

3.G.Govind

Vs.

The State represened by ... Respondent

The Inspector of Police

T-12 Poonamallee Police Station

Trunk Road, Poonamallee,

Chennai - 600 056.

Crime No.758 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.758 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.C.P.Sivamohan

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 alleged offences punishable under **Sections 294(b), 342, 323 and 506(i) IPC**, in Crime No.758 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Viji is that the defacto complainant was a tenant under the petitioners' premises. On 22.07.2020, there was a quarrel between the parties in respect of repaying the advance amount paid by the defacto complainant during which, the petitioners abused and assaulted the defacto complainant and also locked him inside a room. Thereafter, on hearing the alarm raised by the defacto

complainant, the neighbours came and rescued him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.759 of 2020 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

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

5. Considering the facts of this case and the submissions made by the counsels and the fact that there is a case in counter and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

a) 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 order copy is made ready, before the **learned Judicial Magistrate-II, Poonamallee**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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] .

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

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

-sd/-
14/10/2020

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,
NO.II, PONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-12 POONAMALLEE POLICE STATION,
TRUNK ROAD, POONAMALLEE,
CHENNAI - 600 056.

+1 CC to M/S. C.P.SIVAMOHAN Advocate on payment of necessary charges SR.NO.7039

WEB COPY CRL OP.16322/2020
Date :14/10/2020

TA-23/10/2020