

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16754 of 2020

1. Rajakumari
2. Vijayaraj
3. Kamaraj
4. Kalpana

... Petitioners/

Accused Rank not known

Vs.

State represented by
Sub-Inspector of Police,
Kadaladi Town Police Station,
Thiruvannamalai District.
Crime No. Not known of 2020

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail, in the event of their arrest pending investigation in Crime No. not known of 2020 on the file of the respondent .

For Petitioners : Mr.Ananda Kumar,
for Mr.R.Balakrishnan

For Respondent : Mr.Charles Premkumar
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), 323 and 506(ii) IPC in Crime No. not known of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a money dispute between the defacto complainant and the petitioners, due to which there was a wordy quarrel leading to filing of the present complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking note of the fact that the defacto complainant and the petitioners are relatives and their custodial interrogation is not required in this case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days, before the learned Judicial Magistrate, Kalasapakkam, on condition that the each petitioners shall execute a 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioners shall report before the respondent police as and when required.

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

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

[f] On failure to comply the condition or 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/-
22/10/2020

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,
KALASAPAKKAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
KADALADI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges SR NO.7072

CRL OP.16754/2020

Date :22/10/2020

MK:28/10/2020

सत्यमेव जयते

WEB COPY