

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17013 of 2020

1. Pushpa
2. Sudhakar

... Petitioners

Vs.

The State Rep. By
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.
(Cr.No.4919 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.4919 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.E.Pandian

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 alleged offences punishable under Sections 341, 294(b), 324, & 506 (2) of IPC, in Crime No.4919 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the wife of the defacto complainant's elder brother and the second petitioner is the son of the first petitioner. On 11.10.2020 at about 5.30 p.m., when the defacto complainant was sitting in front of his house, there was a wordy quarrel between the first petitioner and the defacto complainant during which, the second petitioner and two others abused and attacked him with wooden log and also criminally intimidated him. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been foisted against them due to family dispute. Hence, he prays for grant of anticipatory bail to the petitioners.

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

5. Taking into consideration the facts and submissions of the learned Counsel 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 ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Metropolitan Magistrate No.XV, George Town, 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 Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] 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 am., 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.

-sd/-

02/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 XV METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-4, KORUKKUPET POLICE STATION,
CHENNAI.

CC to M/S. E.PANDIAN Advocate on payment of necessary charges

CRL OP.17013/2020

Date :02/11/2020

RVR 10/11/2020



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