

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16870 of 2020

1. Sathiya
2. Kannan
3. Velliyammal
4. Mathivannan

... Petitioners/Accused 1 to 4

Vs.

State By
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
(Crime No.318 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.318 of 2020 pending on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.Charles Prem Kumar
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 341, 298(b), 323, 324 & 506(i) of IPC in Crime No.318 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the husband and wife, on 06.05.2020, the supporters of the husband and the supporters of the wife clashed with each other. The police has registered the case against both the group in Crime No.317 and 318 of 2020 respectively.

3. The learned Counsel for the petitioners would submit the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor submits that the defacto complainant in this case was arrested and released on bail. After treatment he has been discharged from the hospital. Being a matrimonial dispute, custodial interrogation may not be required. The complaint given by the husband against his wife and three others is under investigation in Crime No.318 of 2020.

5. Taking note of the above submissions, 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-II, Namakkal, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation.

[d] the petitioners shall co-operate with the enquiry. If any cognizable offence is made out, the Investigating Officer is at liberty to proceed in accordance with law.

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

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

[g] 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].

[h] 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 NO.II,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.7050

CRL OP.16870/2020

Date :22/10/2020

MK:28/10/2020

WEB COPY