

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16887 of 2020

1. P.Rajamanickam ... Petitioners
2. R.Annakili
3. R.Ajay
4. R.Vijay

Vs.

The State rep. By ... Respondent/Complainant
The Inspector of Police,
Varajaram Police Station,
Kallakurichi Taluk,
Villupuram District.
(Crime No.906 of 2020)

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.906 of 2020 on the file of the respondent Police.

For Petitioners : Mr.D.Babu Varadharajan
for Mr.R.Agilesh

For Respondent : Ms.T.P.Savitha
Government Advocate

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), 323, 324, 506(ii) of IPC read with Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.906 of 2020 on the file of the respondent police, seek anticipatory bail.

2.From the F.I.R, this Court finds that, near the construction site, a quarrel has arisen between the neighbours who are none other than brothers and sisters. Both groups have exchanged blow with iron rod, in which, members of both the parties have sustained injuries. While a complaint was given by the petitioners herein in Crime No.905 of 2020 arraying Govindan, Kalaiselvi, Annasamy, Selvakumar and others as accused, a similar complaint has

been registered against these petitioners in Crime No.906 of 2020.

3.The learned Government Advocate submits that in the case where violence erupted at the construction site due to dust and nuisance created by the 2nd petitioner herein, injured have already been discharged and the case in counter are under investigation.

4.In view of the above fact, 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-I, Kallakurichi, on condition that each petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 stay at Villupuram and report before the Inspector of Police, Varajaram Police Station, Kallakurichi Taluk, Villupuram District, daily at 10.30 a.m. for a period of 15 days from the date of receipt of a copy of this order.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-I,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VARAJARAM POLICE STATION,
KALLAKURICHI TALUK,
VILLUPURAM DISTRICT.

CC to M/S. R.AGILESH Advocate on payment of necessary charges

CRL OP.16887/2020

Date :22/10/2020

TA-02/11/2020

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