

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18119 of 2020

1. Murugan
2. Gajendiran
3. Kesavan
4. Ilaiyaraja @ Ilayarasan @ Narayanasamy
5. Anjalatchi
6. Alliammal
7. Uma @ Vanasundari
8. Kalpana

... Petitioners

Vs.

The State Rep. By
Station House Officer,
Reddiarpalayam Police Station,
Puducherry.
(Cr.No.0153 of 2020)

... Respondents

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.0153 of 2020 pending on the file of the respondent police.

For Petitioners: Mr.R.Thirumoorthy

For Respondent : Mr.D. Bharatha Chakravarthy
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 143, 149, 294 (b), 323, 324, 506(i) of IPC, in Crime No.0153 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Iyanar is that due to land dispute, the petitioners have assaulted the defacto complainant, his wife and his sister in law. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant and the petitioners are relatives and

the alleged occurrence have taken place on 28.08.2020 and the complaint has been lodged much later on 07.09.2020. He would further submit that the petitioners have exaggerated the quarrel and the complainant also sustained injury. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are neighbours and during the quarrel the petitioners have abused and assaulted the defacto complainant and his family members. He would further submit that during enquiry it was found that there was no corresponding injury sustained by the defacto complainant and his relatives. He would further submit that with regard to the averment stated in the complaint, the respondent has issued notice under section 41A of Cr.P.c asking the accused to appear for enquiry.

5. Taking into consideration the facts and submissions of the learned Counsel appearing on either side, 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 copy of the order is made ready, before **the Judicial Magistrate Court. III, Puducherry**, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with one surety 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 Aadhar 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 one week and thereafter as and when required for interrogation.**

[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.

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

-sd/-
18/11/2020

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 COURT III,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
REDDIARPALAYAM POLICE STATION,
PUDUCHERRY.

+1 CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges SR.No 7635

WEB COPY

CRL OP.18119/2020

Date :18/11/2020

MN-03/12/2020