

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.Nos.17923 & 17935 of 2020

K.Santhanam ...Petitioner in Crl.O.P.No.17923 of 2020

Yoga priya ... Petitioner in Crl.O.P.No.17935 of 2020

Vs.

The State of Tamil Nadu ...Respondent in both Crl.O.Ps.

Represented by its:

The Inspector of Police (L & O),

K-9 Thiru Vi Ka Nagar PS,

Chennai.

(Cr.No.809 of 2020)

**Common Prayer:** Criminal Original Petitions 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.809 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.B.Kalaiarasan

(in both petitions)

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor  
( in both petitions)

**COMMON ORDER**

**(These cases have been heard through video conference)**

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 448, 427, 336 and 307 of IPC, in Crime No.809 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Gayathri devi is that the petitioners along with other accused persons have entered into the house of the defacto complainant and assaulted her, at that time, son-in-law of the defacto complainant viz., Krishnakumar and his friend one Raja were brutally attacked by the petitioners and sustained injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that as far as the petitioner in Crl.O.P.No.17923 of 2020, name of the petitioner does not find in the F.I.R and there is no specific overtact attributed against the petitioner.. He would further submit that one of the co-accused had been granted anticipatory bail by this Court in Crl.O.P.No.18719 of 2020 dated 30.11.2020. He would further submit that there are no previous case pending as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there is a property dispute between the petitioners and the defacto complainant, as a result of which, the petitioners along with other accused had entered into the house of the defacto complainant and brutally assaulted the defacto complainant and her son-in-law and his friend Raja and caused injuries. He would further submit that the arrested accused have been enlarged on bail. He would further submit that the injured persons have been discharged from the hospital and there is no previous case pending as against the petitioners. He would further submit that one of the co-accused had been granted anticipatory bail by this Court in Crl.O.P.No.18719 of 2020 dated 30.11.2020. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the injured persons have been discharged from the hospital, 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 learned V Metropolitan Magistrate, Allikulam (Egmore) Chennai**, on condition that each of the petitioner 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 petitions 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.,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 absconds, a fresh FIR can be registered under Section 229A IPC.

7.With the above directions, these Criminal Original Petitions are ordered.

-sd/-

14/12/2020

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 METROPOLITAN MAGISTRATE,  
NO.V, ALLIKULAM (EGMORE) CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (L AND O),  
K-9 THIRU VI KA NAGAR PS,  
CHENNAI.

CC to M/S K.SURESH Advocate on payment of necessary charges

CRL OP.17923 & 17935/2020

Date :14/12/2020

TA-22/12/2020

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