



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17862 of 2020

1.Masilamani
2.Jayaraman
3.Malar @ Malarvizhi
4.Mari

.. Petitioners

Vs.

The State rep. by
The Sub Inspector of Police
Anaicuttu Police Station
Kancheepuram District
Crime No.61 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest a the hands of the respondent police in Crime No.61 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

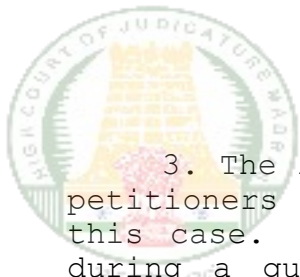
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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 under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of Women Harassment Act and Section 3(1) of TNPPDL Act, in Crime No.61 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Sumathy is that due to property dispute, there was a wordy quarrel between the petitioners and the de-facto complainant, as a result of which, the petitioners abused and intimidated the de-facto complainant and also assaulted her with wooden log and thereby, caused injuries and also caused damage to the motorcycle and tailoring machine worth Rs.80,000/-. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the incident had happened during a quarrel. He would further submit that it is a case and counter case and based on the complaint given by the petitioners, a case has been registered against the de-facto complainant. He would further submit that without prejudice to their contention, the petitioners are prepared to deposit a sum of Rs.10,000/- each to the credit of Crime No.61 of 2020. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to property dispute, the petitioners have assaulted the de-facto complainant with wooden log and caused injuries to her and also damaged the motorcycle and tailoring machine worth about Rs.80,000/-. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. He would further submit that based on the complaint given by the petitioners, a counter case in Crime No.62 of 2020 has been registered against the de-facto complainant.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) each to the credit of Crime No.61 of 2020 and on such deposit, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheyyur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 deposit a sum of Rs.10,000/- (Rupees ten thousand only) each to the credit of Crime No.61 of 2020 before executing the bond and further, the final order in respect of the deposited amount shall be decided after the conclusion of trial.

[c] the 1st and 2nd petitioners shall report before the respondent police daily at 10.30 a.m until further orders and the 3rd and 4th 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.



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

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

[f] 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].

[g] 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/-
11/11/2020

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,
CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ANAICUTTU POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.No.7580

CRL OP.17862/2020

Date :11/11/2020