

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.18124 of 2020

1.Perumal @ Gopi  
2.Karthi

... Petitioners

Vs.

State Rep by:-

The Inspector of Police,  
Krishnagiri Town Police Station,  
Krishnagiri District.  
(Crime No.1285 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 1285 of 2020, on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

(The cases have been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 of IPC r/w Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992, in Crime No.1285 of 2020, on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution as per the de facto complainant Raja is that his son Boopathy fell in love with one Gayathri, daughter of Perumal Yasodha due to which, there was enmity between them. While so, on 19.10.2020 at 11 p.m., the accused entered in to the house of the defacto complainant with iron rod and knives, abused in filthy language and assaulted the defacto complainant's daughter with hands and also caused damages to the household articles and two wheelers.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. In fact, the son of the defacto complainant had teased the daughter of the second accused and thereby, there was a quarrel between them and that it is a case and case in counter. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners along with other accused entered into the house of the defacto complainant, abused him in filthy language and also caused damages to the household articles and two wheelers worth Rs.70,000/-. Further, the accused have assaulted the daughter of the defacto complainant by using hands. He would further submit that there is no previous case against the petitioners.

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

6.Accordingly, the petitioners are directed to be released on bail in the event of his arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.1, Krishnagiri, on condition that the petitioners 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 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 every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

19/11/2020

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,  
NO.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
KRISHNAGIRI TOWN POLICE STATION,  
KRISHNAGIRI DISTRICT

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

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सत्यमेव जयते Date :19/11/2020

RVR 02/12/2020

WEB COPY