

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18310 of 2020

1.A.Viji

... Petitioners

2.G.Sathishkumar @ Sathish

Vs.

State represented by

... Respondent

The Inspector of Police

T-12, Poonamallee Police Station,

(Crime No.759 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.759 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Shyam Sunder

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 143, 324, 323, 427 and 506(ii) IPC** in Crime No.759 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Aruna is that due to money dispute, on 22.07.2020, the petitioners along with other accused trespassed into her house, abused and attacked the defacto complainant and her husband with wooden log and also damaged a cell phone worth Rs.5000/-. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.758 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioners and that there is a counter case in Crime No.758 of 2020. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that there is no previous case against the petitioners, the injured has been discharged from the hospital and there is a counter case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy is made ready**, before the **learned Judicial Magistrate-II, Poonamallee** 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 daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/11/2020

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-12, POONAMALLEE POLICE STATION,

+1 CC to M/S.K.SHYAM SUNDER Advocate on payment of necessary charges SR.NO.7709

CRL OP.18310/2020

Date :20/11/2020

TA-07/12/2020

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