

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18714 of 2020

1. M.Thirunavukarasu
2. Mala

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai District.
(Crime No.661 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners in the event of their arrest by the respondent police in Crime No.661 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Alvin manoj raj

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 punishable under Sections 294(b), 323, 341, 506(ii) of IPC, in Crime No.661 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 10.05.2020, the petitioners along with other accused persons had entered into the house of the defacto complainant and assaulted him and caused injuries, Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on 10.05.2020, the petitioners along with other accused persons had entered into the house of the defacto complainant and assaulted him and caused injuries. He would further submit that there is no previous case pending as against the petitioners. He would further submit that the injured person has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. M/s.Girija, the learned counsel appearing on behalf of the defacto complainant would submit that there was a property dispute between the petitioners and the defacto complainant. She would further submit that the petitioners had entered into the house of the defacto complainant and assaulted him and caused injuries. Hence, she vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the above facts and circumstances of the case, and also of the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to following conditions.

7. 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 made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, on condition that each of 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, 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.

-sd/-

30/11/2020

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI DISTRICT.

+2 CC to M/S.R.ALVIN MANOJ RAJ Advocate on payment of necessary charges SR.7848

CRL OP.18714/2020

Date :30/11/2020

RVR 07/12/2020

WEB COPY