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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.18809 of 2020

1.Ramu@ Raman
2.Selvaraj

... Petitioners

Vs.

The State rep. By
The Inspector of Police,
Melmaruvathur Police Station,
Kancheepuram District.
(Crime No.1415 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of his arrest in connection with Crime No.1415 of 2020, pending investigation on the file of the respondent.

For Petitioners: Mr.G.Mageshkumar

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

ORDER

(This 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 441, 294(b), 323, 506 Part II IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.1415 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to a land dispute, there was wordy quarrel between the petitioners and the defacto complainant, and during the quarrel, the petitioners have assaulted the defacto complainant, thereby, the victim sustained simple injuries.

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 existing land dispute.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners, due to a land dispute, had assaulted the defacto complainant, due to which, the victim sustained simple injuries. He would further submit that the injured has been discharged and there are no previous cases against these petitioners.

5.Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel and also the fact that the victim has 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 directed to be released on bail in the event of their 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, Madurantakam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum 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 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.



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

-sd/-
01/12/2020

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges SR.No 7864

CRL OP.18809/2020

Date :01/12/2020

MN-07/12/2020