

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18953 of 2020

1.Venkatesan ... Petitioners
2.Dhanalakshmi
3.Kokila

Vs.

The State rep. by ...Respondent
The Inspector of Police
Valapandal Police Station
Vellore Distict
Crime No.470 of 2020.

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 in Crime No.470 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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 alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.470 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 2nd petitioner is the wife and the 1st and 3rd petitioners are the brother-in-law and mother-in-law, respectively of the de-facto complainant. On 09.11.2020, at 7.00 p.m, due to family dispute, there was a wordy quarrel between the petitioners and the de-facto complainant, as a result of which, the petitioners attacked the de-facto complainant with wooden log on his head and caused injuries and also threatened him with dire consequences. 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 insofar as the 2nd and 3rd petitioners are concerned, they have already been arrested and enlarged on bail and hence, he seeks permission of this Court to withdraw this petition and insofar as the 1st petitioner is concerned, he prays to grant anticipatory bail to him.

4. The learned Additional Public Prosecutor would submit that due to family dispute, the petitioners attacked the de-facto complainant with wooden log on his head and caused injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioners.

5. Insofar as the 2nd and 3rd petitioners are concerned, recording the submission made by the learned counsel for the petitioners, this Criminal Original Petition stands dismissed as withdrawn.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital and the similarly placed accused have already been enlarged on bail, this Court is inclined to grant anticipatory bail to the 1st petitioner, subject to the following conditions:

a) Accordingly, the 1st petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned District Munsif cum Judicial Magistrate, Arcot**, on condition that the petitioners shall execute a 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 1st petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner 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 1st petitioner in accordance with law as if the

conditions have been imposed and the 1st petitioner 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.

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

-sd/-

07/12/2020

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 DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAPANDAL POLICE STATION,
VELLORE DISTRICT.

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

WEB COPY

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Date :07/12/2020

TA-14/12/2020