

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

Cr1.O.P.No.19356 of 2020

1.K.Parvathi Bai
2.Radhika
3.Vidhya
4.Srinivasan
5.Praveen Kumar
6.Babuji
7.Kandaswamy G.,@ Prabhu ... Petitioners

Vs.

State by
Inspector of Police (L & O)
B-2, Vishnu Kanchi Police Station
Kanchipuram
(Crime No.3628 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.3628 of 2020 on the file of the Respondent.

For Petitioners: Mr.N.Nagu Sah

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

O R D E R

(This Case has been heard through video conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 294(b), 323 and 506(1) IPC, in Crime No.3628 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to a property dispute, the petitioners have jointly assaulted the defacto complainant and caused injury.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case due to a property dispute. He would further submit that civil suit is pending against the disputed property.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners due to a property dispute, had assaulted the defacto complainant, thereby, causing simple injuries to the defacto complainant. He would further submit that the injured has been discharged and there is no previous case against these petitioners.

5.Heard the learned counsel on either side. Perused F.I.R. and all the materials placed on record.

6.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are directed 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 No.I, Kanchipuram, on further condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties each for the 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 automatically;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the 1st petitioner, who is a senior citizen aged about 70 years, shall report before the respondent police as and when required for interrogation.

[d] the 2nd and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m., for a period one week and thereafter, on every Monday at 10.30 a.m. until further orders.

[e] the petitioners No.4 to 7 shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioners shall not abscond either during investigation or trial.

[h] 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]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

21/12/2020

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 JUDICIAL MAGISTRATE NO.I,
KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE सतयमेव जयते
(L AND O) B-2 VISHNU KANCHI POLICE STATION,
KANCHIPURAM

+1 CC to M/S. N.NAGU SAH Advocate on payment of necessary charges SR.NO.8497

CRL OP.19356/2020

Date :21/12/2020

GKS:07/01/2021