

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19326 of 2020

1. KUMAR
2. KAVITHA
3. SUMATHI
4. ANANDHI

... Petitioners

Vs.

State Represented by
The Inspector of Police
Perunagar Police Station
Kanchipuram District

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.733 of 2020 on the file of the respondent police station.

For Petitioner : Mr.R.Anbalagan

For Intervenor : Mr.A.Saranraj

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 offences punishable under **Sections 294(b), 324 and 506(ii) of IPC**, in Crime No.733 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Poongavanam is that due to Civil dispute, the accused assaulted him with knife.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them on account of Civil dispute. He would further submit that on the complaint given by the 3rd petitioner, a counter case in Crime No.734 of 2020 has been registered against the defacto complainant and others. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners 2 to 4 are the sisters of the defacto complainant and due to Civil dispute, the petitioners and other accused assaulted the defacto complainant with knife and caused injuries. He would further submit that the injured has been discharged from the hospital and on the complaint given by the 3rd petitioner, a case in Crime No.734 of 2020 has been registered against the defacto complainant and his brother. However, he would vehemently oppose for the grant of anticipatory bail.

5. The learned Counsel for the intervenor would submit that though it looks like a family dispute, the petitioners assaulted the defacto complainant with knife due to which, the defacto complainant sustained 23 sutures. Hence, he vehemently opposed for grant of anticipatory bail.

6. Heard the learned Counsels and perused the materials placed on record including the F.I.Rs. in Crime No.733 of 2020 and Crime No.734 of 2020.

7. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before **the learned District Munsif cum Judicial Magistrate, Uthiramerur, Kanchipuram District**, 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 stay at Villupuram and report before the Town Police Station, daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/12/2020

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, UTHIRAMERUR,
KANCHIPURAM DIST.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALAPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUNAGAR POLICE STATION,
KANCHIPURAM DIST.

5 THE OFFICER INCHARGE
TOWN POLICE STATION, VILLUPURAM

+1 CC to M/S.R.ANBALAGAN Advocate on payment of necessary charges
SR.NO.8420

CRL OP.19326/2020
Date :17/12/2020

GKS:30/12/2020