

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.19657 of 2020

1.Vedhagiri
2.Prakash
3.Muniyan

... Petitioners

Vs.

State rep by
The Inspector of Police,
Sadras Police Station,
Chengalpattu District.
(Crime No.1024 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1024 of 2020 on the file of the Inspector of Police, Sadras Police Station, Chengalpattu District.

For Petitioner : Mr.J.Madhan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 506(ii) of IPC 294(b), 323, 324 of IPC, in Crime No.1024 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to the wordy quarrel during a family dispute the accused had assaulted the defacto complainant and her relatives with iron rod on the head.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and hence he seeks for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to the family dispute the petitioners assaulted the defacto complainant and her relatives. He would further submit that the second petitioner has one previous case

for the offence under Section 302 of IPC.

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

6. Taking into consideration the facts and submissions of the learned Counsel and the fact that this Court is not inclined to grant anticipatory bail to the second petitioner, hence, this Criminal Original Petition stands dismissed against the second petitioner alone. This Court is inclined to grant anticipatory bail to the first and third petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Thirukkazhukundram** on condition that each of the petitioner 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:

[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 every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/12/2020

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,
THIRUKAZHUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SADRAS POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S.L.MADHAN Advocate on payment of necessary charges
SR.NO.8701

CRL OP.19657/2020

Date :22/12/2020

GKS:07/01/2021

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