

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19634 of 2020

1.Sundaramoorthy
2.Punithamala
3.Ramani

...Petitioners

Vs.

The State rep. by
The Inspector of Police
Chittamur Police Station
Kancheepuram District.
Crime No.983 of 2020.

...Respondent

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.983 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Mageshkumar

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), 447, 326, 324, 506(ii) IPC r/w Sec. 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.983 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Jayakumar is that on 28.05.2020, due to previous enmity, the 1st accused abused the wife of the de-facto complainant and assaulted her with iron rod, due to which she sustained injuries and one of the teeth had fallen down and the other accused have also assaulted his wife. 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 on account of existing enmity between them. He would further submit that during the quarrel, the 2nd petitioner pushed the de-facto complainant's wife, due to which she had fallen down and sustained injuries. Whereas, a false complaint has been given stating that the 1st petitioner assaulted her with iron pipe. He would further submit that the injured had been discharged from the hospital. He would further submit that though the incident had happened on 28.05.2020, the FIR was registered only on 10.10.2020. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners and the de-facto complainant are neighbours. During the quarrel, the 1st petitioner along with other petitioners assaulted the wife of the de-facto complainant and the 1st petitioner assaulted the wife of the de-facto complainant with iron pipe, due to which she lost her one teeth. He would further submit that the victim has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also of the submission 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:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Judicial Magistrate, Cheyyur**, on condition that the petitioners shall execute a separate 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders and the 2nd and 3rd petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

[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/-
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,
CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.19634/2020

Date :22/12/2020

TA-18/01/2021