

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19773 of 2020

1.Govindasamy
2.Jothimani

...Petitioners

Vs.

The State rep. By
The Inspector of Police
Udumalpet Police Station
Tiruppur District
Crime No.1539 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.1539 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.S.Gunalan

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 323 IPC and Section 4 of Women Harassment Act, in Crime No.1539 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., Vaishnavi, who is none other than the daughter of the 2nd petitioner is that on the date of occurrence, there was a wordy quarrel between the petitioners and the de-facto complainant, as a result of which, the petitioners assaulted the de-facto complainant and thereby, caused simple injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and due to previous enmity, they have been falsely implicated in this case Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to wordy quarrel, the petitioners assaulted the de-facto complainant and caused simple injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the injured 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 No.I, Udumalpet**, 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 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,
NO.I, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S S.GUNALAN Advocate on payment of necessary
charges SR NO.8588

CRL OP.19773/2020

Date :22/12/2020

MN-04/01/2021

WEB COPY