

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20844 of 2020

1.G.Sudeesh

2.S.Bhuvaneshwari

.. Petitioners

Vs.

The State rep. by

The Inspector of Police

H-8, Thiruvottiyur Police Station

Chennai

Cr.No.not known 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. Not Known of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.J.Nagarajan

For Respondent : Mr.M.Mohamed Muzammil
Government Advocate (Crl.Side)

O R D E R

(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), 323, 506(ii) of IPC in Crime No.not known of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to property dispute, the petitioners abused the de-facto complainant with filthy language and attacked him and thereby caused simple injuries.

4. The learned counsel for the petitioners submitted that the opposite party has given a false complaint and the 2nd petitioner has also given a complaint against the opposite party.

5. The learned Government Advocate (Criminal Side) submitted that FIR has not been registered and only the petition enquiry is being conducted.

6. However, considering the nature of the dispute between the parties and also the reasonable apprehension expressed by the petitioners and that there is a possibility of being arrested by the respondent police and in view of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 XXIII Metropolitan Magistrate, Saidapet, Chennai 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 and on further condition that:

[a] 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[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 229-A IPC.

-sd/-
30/12/2020

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 METROPOLITAN MAGISTRATE NO.XXIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-8 THIRUVOTTIYUR POLICE STATION,
CHENNAI

+1CC to M/S. J.NAGARAJAN Advocate on payment of necessary charges SR NO.8729

CRL OP.20844/2020

Date : 30/12/2020

MK:06/01/2021

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