

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.21028 of 2020

1.Madhan
2.Devan
3.Sargunam
4.Vijay
5.Arul
6.Abilash

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Gummudipoondi Police Station,
Thiruvallur District.
(Crime No.2336 of 2020)

...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.2336 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.V.Manimaran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

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 offences publishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.2336 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the de facto complainant are neighbours, due to the previous enmity with regard to land dispute, on 21.12.2020, a wordy quarrel arose between their family members. The petitioners abused the de facto complainant in filthy language and also attacked the de facto complainant and his family members. Due to which, they sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that the petitioners and the defacto complainant are neighbours. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that the injured have been discharged from the hospital. He further submitted that there are no previous cases pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned District Munsif Cum Judicial Magistrate, Gummudipoondi, on condition that 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 petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUMMUDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
Sr.9

CRL OP.21028/2020

सत्यमेव जयते Date :30/12/2020

RVR 06/01/2021

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