

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.567 of 2021

1. Mr.Kannan ... Petitioners
2. Mrs.Uma
3. Mrs.Anandhavalli

Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Thiruthuraipoondi Police Station
Thiruvarur District.
(Crime No.3108 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No. 3108 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.Jaikumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A3. They apprehends arrest at the hands of respondent police for the offence punishable under Sections 341, 294(b), 352, 506(i) of I.P.C. and Section 4 of T.N. Prohibition of Harassment of Women Act, in Crime No.3108 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that due to a family dispute, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, they said to have waylaid the defacto complainant and her husband and also abused them. They have also intimidated the defacto complainant by showing wooden log. In the said circumstances, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that there is a family dispute between the parties. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and due to previous enmity, they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to a family dispute, there was a wordy quarrel, as a result of which, the petitioners have attacked the defacto complainant and criminally intimidated her by showing wooden log. He would submit that the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioners as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that due to a family dispute, there was a wordy quarrel between the parties, and now 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, Thiruthuraipoondi** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear before the respondent police as and when required for interrogation;

[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.

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

-sd/-
22/01/2021

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR.

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

सत्यमेव जयते

CRL OP.567/2021

Date :22/01/2021

TA-08/02/2021

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