

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1361 of 2021

1.Vinitha Subramaniyan
2.Kalaiselvi

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Peralam Police Station,
Nannilam Taluk,
Thiruvarur District.
(Crime No.2491 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant an anticipatory bail order enlarging the petitioners/accused in the event of their arrest made by the respondent Police in Crime No.2491 of 2020 pending on the file of the Inspector of Police, Peralam Police Station, Nannilam Taluk, Thiruvarur District.

For Petitioner : Mr.R.Sivasankar

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

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 offences punishable under Sections 294(b), 323 324 and 506(ii) IPC in Crime No.2491 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the adjacent resident to the petitioners residence. On 18.12.2020, the mud wall of the petitioners residence damaged and fell on the defacto complainant house side. On the same day, the defacto complainant and her father in law removed the mud wall and the same was questioned by the petitioners and there was a wordy

quarrel arose among themselves and subsequently, the petitioners said to have attacked the defacto complainant with stones and threatened with dire consequences and caused injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the co-accused was arrested and released on bail. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners said to have attacked the defacto complainant and caused injury. He would further submit that the injured has been discharged from the hospital. He further submitted that there is no bad antecedents against the petitioners.

5. Taking into consideration the nature of offence and the injured has been discharged from the hospital and the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Nannilam Taluk, Thiruvavarur District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

[d] 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/02/2021

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,
NANNILAM TALUK,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
NANNILAM TALUK,
THIRUVARUR DISTRICT-609 403.

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

सत्यमेव जयते

CRL OP.1361/2021

Date :02/02/2021

cs 11/02/2021

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