

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1258 of 2021

1. A.Suresh
2. Karpagam
3. Rishikaran

... petitioners

Vs.

State rep. by
The Inspector of Police,
Ambattur Estate Police Station,
Chennai.
(Crime No.840 of 2020)

... Respondent

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.840 of 2020 on the Respondent Police.

For Petitioners : Mr.G.Punniakoti

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 147,148,294(b), 323 IPC r/w.Section 4 of Women Harassment Act in Crime No.840 of 2020, seek anticipatory bail.

2. Totally there are five accused involved in this case and the petitioners are ranked as A1 to A3. The defacto complainant is the neighbour of the accused. The petitioners along with the other accused said to have attacked the defacto complainant and her husband with hands and threaten them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant and the petitioners are living in same village. It is further submitted that due to previous enmity, a false complaint has been filed against the petitioners. He further submitted that they have not committed any offence as alleged by the prosecution. 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 her husband with hands and caused injury. A4 and A5 were already arrested and released on bail. He further submitted that there is no bad antecedents against the petitioners.

5. Taking into consideration the nature of offence and also taking co-accused were already 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, Ambattur, 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.

[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 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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBATTUR ESTATE POLICE STATION,
CHENNAI.

CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges
Sr.1122

CRL OP.1258/2021

Date :02/02/2021

RVR 08/02/2021



WEB COPY