

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1640 of 2021

1. Selvi
2. K.Manikandan
3. Baskaran
4. Vasanthi

..... Petitioners

vs.

The state represented by  
The Inspector of Police,  
J-9 Thuraipakkam Police Station  
Chennai 600 096.  
(Crime No.806 of 2020).

..... Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.806 of 2020 on the file of the respondent police.

For Petitioners : Mr.Prem Anandhan

For Respondent : Mr.S. Karthikeyan  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147,148, 452, 294(b), 324 and 506(ii) of I.P.C, in Crime No.806 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 4 accused in this case and A2 to A4 are family friends of A1. The case of the prosecution is that there was illegal intimacy between the son of the defacto complainant and the first petitioner. Due to which there was a wordy quarrel between them and the petitioners have attacked the defacto complainant and his family members and caused injuries to them. Hence the complaint.

3. The learned counsel for the petitioner would submit that the first petitioner and the defacto complainant got married and there was some family dispute among them. He would further submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned additional public prosecutor would submit that there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners have attacked the defacto complainant and his family members and caused injuries to them. Hence he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that only due to wordy quarrel the occurrence has taken place, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

6. Accordingly, the petitioners are ordered to be released on bail in their event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the XXIII Metropolitan Magistrate Court at Saidapet, Chennai 600 015 on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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.

With the above directions this Criminal Original petition is ordered.

-sd/-  
11/02/2021

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 METROPOLITAN MAGISTRATE  
NO.XXIII, SAIDAPET, CHENNAI-600 015.

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

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
J-9 THURAIPAKKAM POLICE STATION,  
CHENNAI-600 096.

+1 CC to M/S.R.PREM ANANDHAN Advocate on payment of necessary charges SR.NO.1415

CRL OP.1640/2021

Date :11/02/2021

cs 17/02/2021