

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.982 of 2021

1. Dhanasekar
2. Hari Murthy
3. D.Prabhakaran

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Vepankuppam Police Station
Vellore District.
(Crime No.06 of 2021)

... 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.06 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Sathish Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A3. They apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) of I.P.C., in Crime No. 06 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the 1st and 3rd petitioners are father and son and the defacto complainant is the sister of 2nd petitioner. Due to a family dispute, there was a wordy quarrel, in which the petitioners said to have joined together, abused the defacto complainant and also intended to assault her. Hence, the criminal case has been registered against them and now, they are seeking anticipatory bail. Now, apprehending arrest, the petitioners have filed this petition seeking for 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 joined together, abused the defacto complainant and also intended to assault her. He would submit that the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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 No.III, Vellore 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/-
27/01/2021

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 NO.III
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSECTOR OF POLICE,
VEPANKUPPAM POLICESTATION,
VELLORE DISTRICT.

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

CRL OP.982/2021

ksm10/02/2021

Date :27/01/2021

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