

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.961 of 2021

1.A.Mary Stella ... Petitioners
2.A.Bernard Dinesh
3.A.Dennis Pauline
4.S.Arul Babu

Vs.

The Inspector of Police, ... Respondent
Karumandurai Police Station,
Salem District.
(Crime No. 15 of 2021)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail, in the event of arrest in Crime No. 15 of 2021, pending investigation on the file of the Inspector of Police, Karumandurai Police Station, Salem District.

For Petitioners : Mr.V.Raja

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 448, 294(b) and 506 (ii) of IPC, in Crime No. 15 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as there is a civil dispute between the parties, the petitioners said to have trespassed, into the defacto complainant's house, and abused them with filthy language and threatened them with dire consequences. It is a case in counter. The petitioner has also given a complaint against the defacto complainant, which was registered in Crime No.20 of 2021.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the offence as alleged in the complaint. He would submit that they have been falsely implicated in this case. Hence, he prays to grant bail to the petitioners.

4. The learned counsel appearing for the Intervenor submitted that the petitioner is age old person and he is having a disabled sister and the petitioners are intimidatingly threatened them.

5. The learned Additional Public Prosecutor submitted that totally four accused persons were involved in this case and the petitioners and defacto complainant are relatives. He would submit that as there is a civil dispute between the parties, the petitioners have abused the defacto complainant in filthy language and also threatened them. He would submit that the petitioner has also given a complaint against the defacto complainant, which was registered in Crime No.20 of 2021 and it is a case in counter. However, he opposed for grant of bail to the petitioners.

6. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that there is a civil dispute between the parties, in which, a civil suit is also pending and it is a case in counter, 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 on which the copy of this order is made ready, the petitioners shall execute a separate bond for a sum of Rs.10,000/- (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 Judicial Magistrate No.II, Attur, Salem District** failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 report before the respondent police, as and when required for interrogation.

[d] the petitioners are directed not to intimidate and threaten the defacto complainant, otherwise anticipatory bail granted will be cancelled.

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

04/02/2021

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,
NO.II, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM.

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

CRL OP.961/2021

Date :04/02/2021

TA-22/02/2021