

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No. 974 of 2021

1.R.Selvi
2.R.Sujitha
3.R.Gopi
4.Vasu @ Vasudevan

... Petitioners

-Vs-

The State
Represented by its,
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
(Crime No. 38 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to enlarge the petitioners on bail in the event of their arrest in Crime No. 38 of 2021 on the respondent police.

For Petitioners : Mr.D.Raja

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are five accused in this case. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147,148,294(b),326 IPC and Section 506(ii) IPC, which was subsequently altered to Section 307 IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous civil dispute between the petitioners and the defacto complainant, which event was questioned by the defacto complainant's husband, the altercations occurred between the members of the family wherein the petitioners attacked the defacto complainant and caused injuries and hence the complaint was registered.

3. Learned counsel appearing for the petitioners submitted that the co-accused, namely, A1 has already been released on bail and the petitioners, being the family members, are no way connected with the alleged offence and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and in view of the fact that the dispute is between the members of the family and the injured released from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

[a] the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I, Kancheepuram, on executing a 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;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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;

[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 are 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/03/2021

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. I, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM.

CC to M/S G. PUNNIAKOTI Advocate on payment of necessary charges
SR.NO.3850

CRL OP.974/2021

सत्यमेव जयते Date : 22/03/2021

rvr 30/03/2021

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