

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1306 of 2021

1. Rajesh ... petitioners
2. Ramu
3. Usha
4. Ellammal

Vs.

State rep. By ... Respondent
The Inspector of Police,
Selaiyur Police Station,
Selaiyur, Chennai.
(Crime No.21 of 2021)

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 connection with the case in Crime No.21 of 2021 on the file of the Inspector of Police, Selaiyur Police Station, Selaiyur, Chennai.

For Petitioners : Mr.M.Babu Muthu Meeran

For Respondent : Mr.S.Karthikeyan
Addl. 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 offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.21 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are ranked as A1 to A4. The allegation is that due to civil dispute, the petitioners are said to have attacked the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel for the Petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. It is further submitted that a false case has been foisted against these petitioners.

4. When the matter came up on 01.02.2021, this Court directed the respondent to file action taken report before this Court. Hence, a status report in respect of this case has been filed today. In the status report wherein it is stated that the alleged property belongs to one Usha/3rd petitioner and the said Usha's brother-in-law's son attempted to dispose the property which resulted a wordy quarrel arose among them and the defacto complainant' husband sustained injury. It is further stated that the petitioners herein were called for enquiry and during the enquiry, it was found that the dispute was between the family members. During investigation, it came to light that the dispute is civil in nature and 1st petitioner suffering from hypertension and the 3rd petitioner is a senior citizen and 2nd petitioner is suffering from renal failure. In these circumstances, the Sub Inspector of Police, after obtaining bond from the petitioners and bind over them for further enquiry.

5. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners and the defacto complainant are relatives. Due to civil dispute, a wordy quarrel arose among themselves and the injured sustained injuries. He would further submit that there is no bad antecedents against the petitioners.

6. Considering the fact that there was a civil dispute between the parties and that there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 I, Tambaram, 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.

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/02/2021

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.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
SELAIYUR, CHENNAI.

4 THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.BABU MUTHU MEERAN Advocate on payment of
necessary charges SR.NO.1313

CRL OP.1306/2021

Date :08/02/2021

TA-12/02/2021