

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1957 of 2021

1. Terry
2. Saran

.. Petitioners

Vs

State represented by
The Inspector of Police,
V7 Nolambur Police Station,
Mogappair, Chennai 600 037.
(Crime No.21 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on in the event of their arrest concerned in Crime No.21 of 2021, on the file of the respondent police.

For Petitioner : Mr.C. Jayaprakash

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of I.P.C, in Crime No.21 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are A1 and A2 in this case and the first petitioner is the father of the second petitioner. It is alleged that the defacto complainant and the petitioners' are neighbours and when the defacto complainant came to the petitioners' shop, the first petitioner was in a drunken mood and there was a wordy quarrel between them. Due to which the second petitioner abused the defacto complainant and attacked him. Hence the complainant.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant was intoxicated and he only assaulted the first

petitioner. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that petitioners assaulted the defacto complainant and caused injuries to him. He would further submit that there are 3 previous cases of the year 2013 pending against the first petitioner. Hence, opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and that the occurrence have taken place due to wordy quarrel between the petitioners and the defacto complainant and even though there are 3 previous case against the first petitioner it is of the year 2013, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. 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 made ready, before the learned Judicial Magistrate, Ambattur on condition that the petitioner shall execute 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, 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 first petitioner shall report before the respondent police daily at 10:30 a.m until further orders and the second petitioner shall report before the respondent police as and when required for interrogation. सत्यमेव जयते

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/02/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V7 NOLAMBUR POLICE STATION,
MOGAPPAIR, CHENNAI-600 037.

+1 CC to M/S.C.JAYAPRAKASH Advocate on payment of necessary charges SR NO. 1875

सत्यमेव जयते

CRL OP.1957/2021

Date :18/02/2021

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MN-23/02/2021