

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.6918 of 2021

1. S. Shankar

2. Jayanthi

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
D3 Kanagammachatram Police Station
Tiruttani Taluk, Tiruvallur District
(Crime No.10 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.10 of 2021 pending on the file of the respondent.

For Petitioners : Mr.S.Arunkumar

For Respondent : Mr.Charles Premkumar
Govt. Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 143, 294(b), 324, 506(2) of I.P.C. in connection with Crime No.10 of 2021 on the file of respondent police filed this petition, and this is the second petition seeking for anticipatory bail filed by the petitioners..

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners said to have attacked the defacto complainant, thereby caused injury.

3. Earlier, this Court had passed an order dated 16.02.2021 dismissing the petition on the ground that the first petitioner is an habitual offender and he is having seven previous cases and the second petitioner is also having three previous cases.

4. The learned counsel appearing for petitioner would submit that now the arrested accused are released on bail and the 2nd petitioner has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the 2nd petitioner.

5. Considering the fact that the 1st petitioner is a notorious rowdy element and having seven previous cases, and if he is released on bail, he will be indulged in similar offence, this Court is not inclined to grant anticipatory bail to the 1st petitioner. So far as 2nd petitioner is concerned, she is wife of 1st petitioner and there is no serious allegation against the 2nd petitioner and now, the investigation is almost completed, this Court is inclined to grant anticipatory bail to the 2nd petitioner, subject to the following conditions:

a) Accordingly, the 2nd petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tiruttani, Tiruvallur District, on condition that the 2nd petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 2nd petitioner shall appear before the respondent police as and when required for interrogation;

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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];

[g] 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/-

23/04/2021

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, TIRUTTANI,
TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
D3, KANAGAMMACHATRAM POLICE STATION,
TIRUTTANI TALUK, TIRUVALLUR DSITRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.ARUNKUMAR Advocate on payment of necessary charges
Sr.5265

CRL OP.6918/2021

सत्यमेव जयते Date:23/04/2021

RVR 29/04/2021

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