

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4594 of 2021

1 GEETHA
2 RACHEAL

[PETITIONERS / ACCUSED]

Vs

INSPECTOR OF POLICE
T14-MANGADU POLICE STATION,
CHENNAI.
CRIME NO. 56 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.SASIKUMAR Advocate

For Respondent : M/S. K.PRABAKAR Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are A4 and A5. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 323 and 506(i) of IPC on the file of the respondent police in Crime No.56 of 2021, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the petitioner and the defacto complainant. Due to previous enmity on 01.02.2021, the petitioners abused the defacto complainant in filthy language and assaulted him. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioner submitted that the petitioners did not indulged in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel between the parties with regard to a civil dispute and the accused abused the defacto complainant in filthy language and attacked him. He further submitted that the co-accused were arrested and released on bail.

5. Considering the facts and circumstances of the case, and the fact that it is only a wordy quarrel due to a civil dispute and the co-accused were arrested and released on bail, 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Sriperumbuthur, on condition that the 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioners shall appear before the respondent as and when required for interrogation.

(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 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/-

12/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIPERUMBUTHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

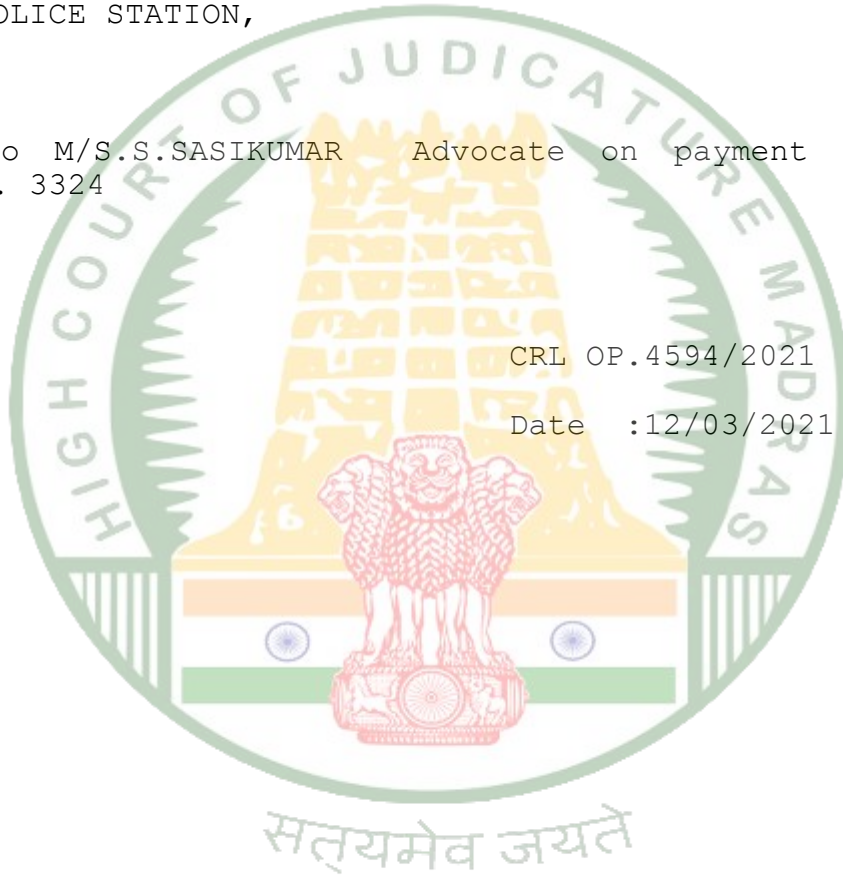
4 THE INSPECTOR OF POLICE,
T14-MANGADU POLICE STATION,
CHENNAI.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR NO. 3324

CRL OP.4594/2021

Date :12/03/2021

MN-22/03/2021



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