

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.4892 & 4894 of 2021

Rajalakshmi ... Petitioner
(in Crl.O.P.No.4892 of 2021)

Balaji ... Petitioner
(in Crl.O.P.No.4894 of 2021)

-Vs-

State Represented by ... Respondent
The Inspector of Police,
P6- Kodungaiyur Police Station,
Chennai - 600 118. (in both Crl.O.Ps)

Common Prayer : Criminal Original petitions filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in respect of Crime No. 226 of 2021 on the file of the respondent pending investigation.

For Petitioners: M/s.B.Archana
(in both Crl.O.Ps)

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor
(in both Crl.O.Ps)

COMMON ORDER

TheSE cases have been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) of IPC R/w Section 4 of TNPHW Act, in Crime No.226 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was working in the Park belongs to the Chennai Corporation, the petitioner's son is said to have driven the cycle in the park, at that time, the defacto complainant had stopped the cycle, as a result of which, there was a wordy quarrel between the petitioners and the defacto complainant, pursuant to which, the petitioners abused with filthy language and also assaulted the defacto

complainant and thereby the *defacto* complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that co-accused have already been arrested and they were released on bail. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners had assaulted the *defacto* complainant, due to which, the *defacto* complainant sustained injuries. He would further submit that co-accused have been arrested and they were released on bail. He would further submit that the injured person has been discharged from the hospital and there is no previous case pending as against these petitioners.

5. Considering the facts and circumstances of the case and that there is no previous case pending as against these petitioners and co-accused have been released on bail, this court is inclined to grant anticipatory bail to the petitioners with certain 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, Egmore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (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 this 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 petitioner in Crl.O.P.No.4892 of 2021, shall report before the respondent Police as and when required for interrogation. The petitioner in Crl.O.P.No.4894 of 2021 shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
12/03/2021

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,
EGMORE.

2 THE CHEIF METRROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P6-KODUNGAIYUR POLICE STATION,
CHENNAI-600 118.

CC to M/S.B.ARCHANA Advocate on payment of necessary charges

CRL OP.4892 & 1894/2021

Date :12/03/2021

MN-18/03/2021