

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.5345 of 2021

1. K.Santhiya ... Petitioners
2. C.Sundari
3. A.Velu
4. A.Neelakandan

Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Walajabad Police Station
Kancheepuram Dt.
(Crime No.143 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 Crime No. 143 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.C.Punniakoti

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

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C. r/w 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No. 143 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that there is a quarrel between the petitioner and the defacto complainant and both of them have attacked each other. A counter complaint has also been filed in Crime No.142 of 2021. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that it is case in counter. He would submit that earlier, the

petitioners have given a complaint, which was registered in Crime No.142 of 2021, as a counterblast, the present complaint has been filed. He would submit that they are innocent persons and they are no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case in counter and now the investigation is also completed. He would submit that there is no bad antecedents against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the occurrence was taken place due to a wordy quarrel between the parties, now it is stated that a counter case was registered against the defacto complainant, the injured was discharged from the hospital, and there is no bad antecedents against the petitioners, 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 Judicial Magistrate No.1, Kancheepuram** on condition that the petitioners 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 petitioners shall appear before the respondent police 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/-
17/03/2021

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,
NO.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary
charges SR.NO.3510

CRL OP.5345/2021

Date :17/03/2021

TA-29/03/2021

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