

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5678 of 2021

1 EZHILARASI
2 LESIY VIVEKANANDAN @ ANAND
3 RAMYA
4 AJAY KUMAR @ AJAY @ APPU
5 ANBU

[PETITIONERS / ACCUSED]

Vs

STATE BY ITS
INSPECTOR OF POLICE,
SHOLINGUR POLICE STATION,
SHOLINGUR, RANIPET DISTRICT.
CR.NO.37 OF 2021.

[RESPONDENT]

For Petitioner : M/S. K.G.SENTHILKUMAR Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

For Intervenor : M/S G.M.SHANKAR Advocate

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

ORDER : The Court Made the following order :-

The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 323, 324 and 506(i) of IPC, in Crime No.37 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the petitioners and the defacto complainant, as a result of which, on the date of occurrence, all the petitioners said to have attacked the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was a

family dispute and the major offence is 506(ii) of IPC, and nobody was injured. He would further submit that there is no previous case pending as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor would submit that the petitioners had trespassed into the house of the defacto complainant and attacked the defacto complainant and her grand daughter's teeth got broken and caused injuries. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are close relatives and there was a family dispute between them. He would further submit that the petitioners had abused and attacked the defacto complainant and caused injuries. He would further submit that the injured person has been discharged from the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, the petitioners and the defacto complainant are close relatives and the injured person has been discharged from the hospital and the investigation is almost completed, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Sholingur, Ranipet District, on condition that each of the petitioner 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, the petition for anticipatory bail shall stand dismissed and on further conditions 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 petitioners shall appear before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/03/2021

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,
SHOLINGUR, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SHOLINGUR POLICE STATION,
SHOLINGUR, RANIPET DISTRICT.

सत्यमेव जयते

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary charges SR.NO. 3878

WEB COPY
CRL OP.5678/2021
Date :23/03/2021

rvr 01/04/2021