

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5845 of 2021

1 SRIDEVI

[PETITIONERS / ACCUSED]

2 GOPALAKRISHNAN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MILK COLONY POLICE STATION,
TIRUVALLUR DISTRICT
(CRIME NO.38 OF 2021)

For Petitioner : M/S.A.GOPINATH Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294 (b), 324 and 506(ii) of I.P.C in Crime No.38 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. It is alleged that the defacto complainant misbehaved with the daughter of the defacto complainant due to which there was a wordy quarrel between both sides and the petitioners attacked the defacto complainant and caused injuries. Hence the defacto complainant file a complaint before the law enforcing agency against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the defacto complainant misbehaved with the daughter of the defacto complainant and attacked the defacto complainant and caused injuries to her. He further submits that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. However he opposed grant of anticipatory bail to the petitioners.

5. Considering the submission so made by the learned counsel appearing on either side and the victim having been discharged from the hospital and there being no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Madhavaram, on condition that each of the petitioners shall execute a 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10:30 a.m until further orders;

(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]; and

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/04/2021

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MILK COLONY POLICE STATION,
TIRUVALLUR DISTRICT.

+1CC to M/S.A.GOPINATH Advocate on payment of necessary charges SR NO.4526

CRL OP.5845/2021

MK:20/04/2021

Date :07/04/2021

WEB COPY