

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.6253, 6254 and 6250 of 2021

Swaminathan ... Petitioner in Crl.O.P.No.6253 of 2021

1.Bakthavachalam ... Petitioners in Crl.O.P.No.6554 of 2021
2.Rajan
3.Rajkumar

1.Selvakumar ... Petitioners in Crl.O.P.No.6250 of 2021
2.Thamizhanban

-Versus-

State Rep. By ... Respondent in all Crl.O.Ps.
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
[Crime No.72 of 2021]

PRAYER in Crl.O.P.No.6253 & 6554 of 2021: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioner(s) on bail in Crime No.72 of 2021 pending investigation on the file of the Respondent.

PRAYER in Crl.O.P.No.6250 of 2021: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest in connection with a case registered in Crime No.72 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.R.Sasikumar for petitioner(s) in OPs

For Respondent : Mr.M. Prabavathi,
Addl. Public Prosecutor for respondent
in Crl.O.P.Nos.6253 & 6254 of 2021

Mr.S.Karthikeyan,
Addl. Public Prosecutor for respondent
in Crl.O.P.No.6250 of 2021

ORDER

(The case has been heard through video conference)

The petitioners in Crl.O.P.No.6254 of 2021, who were arrested and remanded to judicial custody on 02.03.2021 and the petitioner in Crl.O.P.No.6253 of 2021, who was arrested on 10.03.2021 in connection with a case registered in Crime No.72 of 2021 for the offence punishable u/s 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC and Section 4 of The Tamil Nadu Prohibition of Harassment of Women Act, seek bail while the petitioners in Crl.O.P.No.6250 of 2021 apprehending arrest at the hands of the respondent police in connection with the above said case, seek anticipatory bail.

2. The case of the prosecution is that on 02.03.2021 at about 07.00 p.m. when the de facto complainant's son - Ajithkumar was riding on his motor cycle, A1, who was riding on his bicycle abused the son of the de facto complainant in a filthy language pointing out his riding errors. Ajith kumar is said to have reported the same to the de facto complainant. After some time, when the de facto complainant was at her home, the petitioners came there, abused her and her son in a filthy language, attacked them with deadly weapons and caused injuries and also criminally intimidated them. Hence, the case has been registered on a complaint from the de facto complainant.

3. The learned counsel for the petitioners submitted that the petitioners are innocent of the alleged offence and a false complaint has been made due to previous enmity. Injured persons had been discharged from the hospital. The petitioners are ready to abide by any conditions that may be imposed by this court in the event of granting relief to them.

4. The learned Additional Public Prosecutor strongly opposed the petitions reiterating the allegations and stating that investigation is pending. She further submitted that the de facto complainant who had received injury on her eye is stilling taking treatment.

5. Considering the facts and circumstances of the case, more particularly, there has been a previous enmity between the parties and the occurrence had taken place due to a wordy quarrel over a petty issue of riding bike and also on considering the fact that the injured had been discharged from the hospital, this Court is inclined to grant bail to the petitioners in Crl.O.P.No.6253 & 6254 of 2021 and anticipatory bail to the petitioners in Crl.O.P.No.6250 of 2021 subject to the following conditions:

(a) (i) Accordingly, the petitioners in Crl.O.P.Nos.6253 and 6254 of 2021 are ordered to be released on bail on each of them executing 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 learned Judicial Magistrate-II, Tiruvallur;

(ii) the petitioners in Crl.O.P.Nos.6250 of 2021 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-II, Tiruvallur, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 condition that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners in Crl.O.P.No.6254 of 2021 on their release on bail and the petitioners in Crl.O.P.No.6250 of 2021 on their surrender and furnishing sureties, shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required by the respondent police for interrogation;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

With the above directions, this Criminal Original Petitions are ordered.

-sd/-

01/04/2021

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 JUDICIAL MAGISTRATE,
NO.II, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

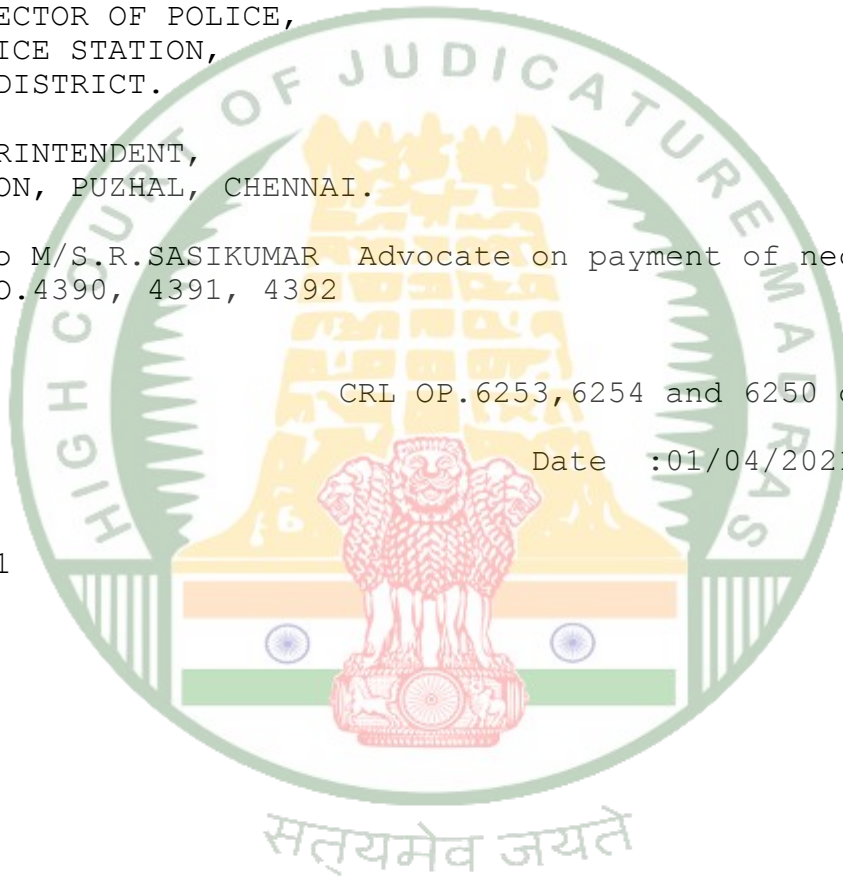
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+3 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.4390, 4391, 4392

CRL OP.6253,6254 and 6250 of 2021/2021

Date :01/04/2021

TA-01/04/2021



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