

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.6731 of 2021

1 MEENAKSHI

[PETITIONERS / ACCUSED]

2 BALU

3 KALVARAYAN

4 GANGA GOWRI

5 CHELLAMMAL

6 RUKUMANI

7 CHITRA

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

J-6, THIRUVANMIYUR POLICE STATION,

GREATER CHENNAI CITY POLICE,

CHENNAI.

(CRIME NO.177 OF 2021)

For Petitioner : M/S.S.VIJAYAKUMAR 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 apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b) 323 and 506(ii) of I.P.C in Crime No.177 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was property dispute between the petitioners and the defacto complainant due to which both sides attacked each other and the defacto complainant and his family members sustained injuries. Hence the defacto complainant filed a complaint before the law enforcing agency against the petitioners.

3.The learned counsel appearing for the petitioners submit that the defacto complainant also attacked the petitioners and a counter complaint has been filed by the petitioners against the defacto complainant in Crime No.178 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that due to some property dispute the petitioners are said to have attacked the defacto complainant with stones and caused injuries. He further submits that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. However he vehemently opposed for grant of anticipatory bail to the petitioners.

6.Taking into consideration the submission made by the learned counsel appearing for either side and the fact that there has been a fight between the petitioners and the defacto complainant leading to the filing of complaint and counter complaint and further the victim having been discharged from the hospital and also there being no previous case 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 XVIII Metropolitan Magistrate, Saidapet 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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
GREATER CHENNAI CITY POLICE,
CHENNAI.

CC to M/S.S.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.4553

WEB COPY

CRL OP.6731/2021

Date :07/04/2021

rvr 19/04/2021