

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7602 of 2021

1 D.MANI
2 M.GOPINATH

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.408 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M.SATHISH KUMAR Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government Advocate (crl.side)

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 offence under Sections 294(b), 324, and 506(ii) of IPC. in Crime No.408 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 the neighbours, both of them are residing in the front and back portions of the property. The defacto complainant had intent to construct his portion of the property and he had demolished the common place for access. When the same was questioned by the petitioners, there was wordy quarrel between them and thereby, the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that he defacto complainant had intent to construct his portion of the property, he had demolished the common place for access. When the same was questioned by the petitioners, he informed

that he will construct the same after completion of his construction, which he had not kept up. Regarding the same, there was wordy quarrel between them, in which, the defacto complainant had assaulted and robbed the petitioners phone and gold chain. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was a wordy quarrel between the petitioners and the defacto complainant regarding the demolition of the common place for access in which the petitioners and others are said to have assaulted the defacto complainant and abused him in filthy language, thereby, the defacto complainant sustained injuries. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the injured has since been discharged from the hospital and the petitioners have no previous cases against them, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Kanchipuram, Kanchipuram District on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 for a period of two weeks and thereafter 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
23/04/2021

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.I, KANCHIPURAM,
KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHIPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.7602/2021

Date :23/04/2021

cs 30/06/2021