

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9598 of 2021

1. Arumugam, S/o.Subramani
2. Indira, W/o.Arumugam
3. Rani, W/o.Subramani
4.Sumathi, W/o.Saravanan
Komutiyeri,
Bethur,
Alangayam,
Vaniyambadi Taluk,
Tirupattur District.

.... Petitioners

Vs.

The Inspector of Police,
Alangayam Police Station,
Vaniyambadi,
Tirupattur District.
Cr.No.79 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.79 of 2021 on the file of the respondent police.

For Petitioners : M/s.Karan and Uday

For Respondent : Mr.A.Damodaran

Government Advocate
(Crl. side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 447 and 506 (ii) of IPC of in Crime No.79 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel in between the petitioner and the defacto complainant, the petitioners abused the defacto complainant with filthy language and assaulted them. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioners.

4..The learned Government Advocate would submit that no one has been injured in the alleged occurrence and the dispute is only between the family members.

5.Considering the fact that there is no specific overtact as against the petitioner, 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/their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate, Vaniyambadi, Tirupattur District, on condition that the 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 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/s, a fresh FIR can be registered under Section 229A IPC.

26.05.2021

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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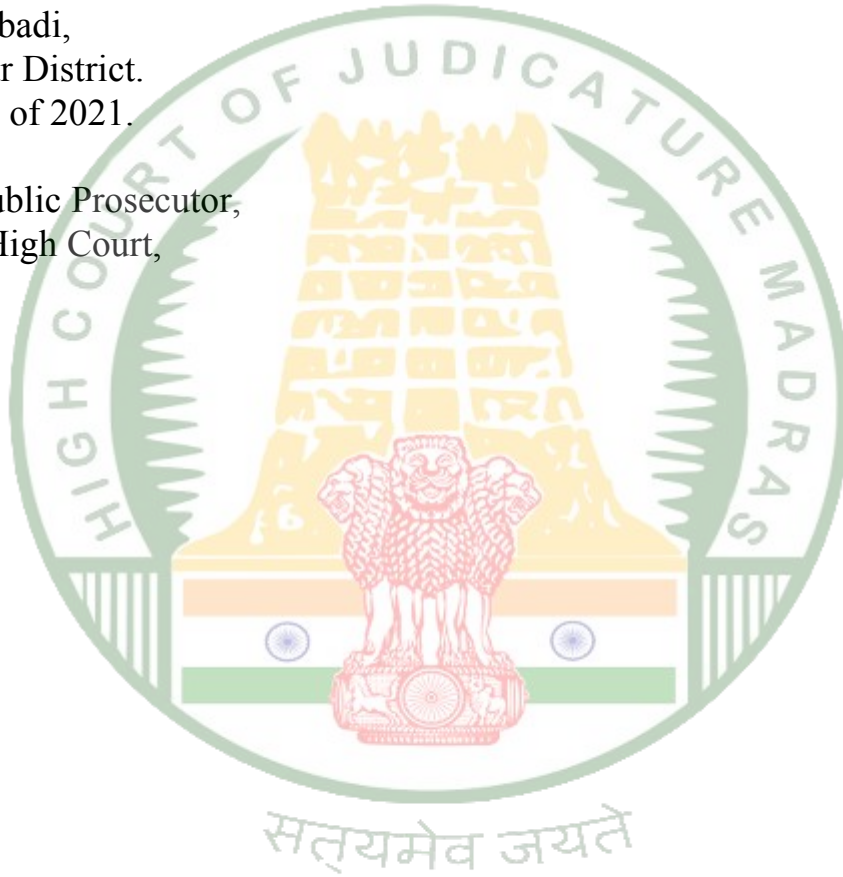
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To

1. The Judicial Magistrate, Vaniyambadi, Tirupattur District.

2. The Inspector of Police,
Alangayam Police Station,
Vaniyambadi,
Tirupattur District.
Cr.No.79 of 2021.

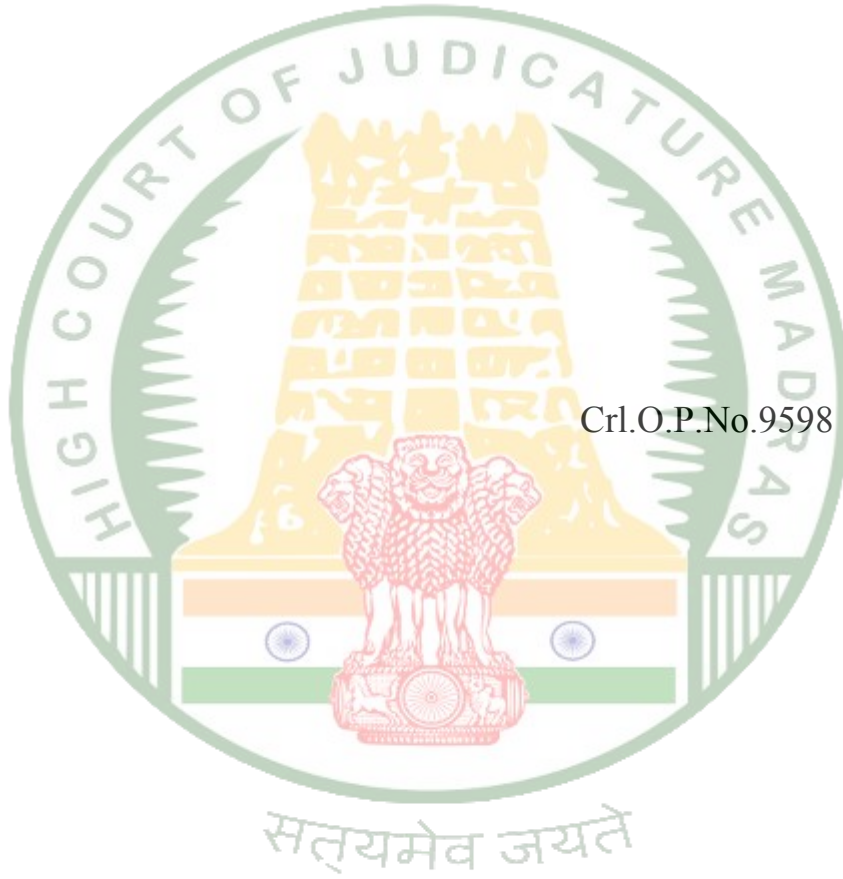
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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