

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.9857 of 2021

1.R.Kathirvel
2.K.Ponkumar
3.K.Mohandoss

... Petitioners

Vs.

The State of Tamilnadu rep.by
The Inspector of Police
E-1, Mamallapuram Police Station
Kancheepuram.
(Crime No.Not Known of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners / accused 1-3 herein in the event of arrest by the respondent in connection with Cr.No.Not Known/2021 on the file of the respondent Police.

For Petitioners : Mr.M.Kavikannan

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

O R D E R

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed by the petitioners apprehending arrest by the respondent State for alleged offences punishable under Sections 294(b), 323 and 506(ii) of the 'Indian Penal Code, 1860' ('I.P.C.')

2. This Court heard Mr.M.Kavikannan, learned counsel for the petitioners and Mr.A.Gopinath, learned State Counsel on behalf of the State.

3. It is submitted that there are no adverse or bad antecedents qua petitioners herein and there is a civil dispute between the defacto complainant and the petitioners. It is submitted that the defacto complainant has given a false complaint owing to the civil dispute.

4. Learned State counsel submits that First Information Report (F.I.R.) has since been registered on the file of the respondent Police vide Crime No.279 of 2021 and alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) I.P.C., read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

5. There is no dispute that there are no adverse antecedents qua petitioners, injured were treated as Out Patients in a hospital and they returned home on the same day.

6. This Court having considered the aforementioned submissions, is inclined to accede to the prayer for anticipatory bail qua the petitioners under Section 438 of 'The Criminal Procedure Code, 1973'.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate cum District Munsif, Thirukkazhukundram on condition that 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the jurisdictional Magistrate may direct production of copies of their Aadhar cards or Bank pass Books to ensure / verify their identities;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

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

(e) If there is breach of any of the aforesaid conditions, the learned jurisdictional 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 jurisdictional Magistrate/Trial Court itself as per P.K. Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) Though obvious, it is made clear that if the accused thereafter absconds, consequences ingrained in Section 229-A I.P.C. will follow wherever applicable.

-sd/-
04/06/2021

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 CUM DISTRICT MUNSIF,
THIRUKKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1, MAMALLAPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.9857/2021

Date :04/06/2021

MK:21/06/2021