

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9937 of 2021

1.N.Vijayalakshmi
2.G.L.Srinivasan @ Amudhan
3.G.Lakshmi

... Petitioners

Vs.

State, rep. by
The Inspector of Police,
E-3, Sholavaram Police Station
Sholavaram, Thiruvallur District.
(Crime No.365 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.365 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.J.Senthamilarasu

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

O R D E R

(The case has been heard through video conference)

Three petitioners in Crime No.365 of 2021 on the file of E-3, Sholavaram Police Station, Thiruvallur District, have filed the captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.' for the sake of brevity) 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.' for the sake of brevity).

2. In the captioned petition, ranks of the three petitioners qua their ranks as accused has not been correctly given. Therefore it is necessary to make it clear that petitioners 1, 2 and 3 are A3, A1 and A2 respectively, whereas it has been wrongly shown as A1, A2 and A3 in the captioned petition.

3. Mr.J.Senthamilarasu learned counsel for petitioners submits that this is a family dispute which erupted in a family gathering and the younger brother of A2 and A3 one Tamil Sirpi was injured and his wife Renuka Devi is the defacto complainant. It is also submitted that the injured was treated in Stanley Government Hospital and he has since been discharged. It is also submitted that there are no adverse antecedents qua the petitioners.

4. State Counsel (on instructions) submits that there is no disputation regarding no adverse antecedents plea and it is correct to say that the injured was discharged from hospital on 26.05.2021.

5. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail albeit subject to conditions that would be adumbrated elsewhere infra in this order.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate No.II, Ponneri on condition that 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 learned 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 learned jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production 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 witness/es 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 petitioner released on bail by the learned Jurisdictional Magistrate/Trial Court himself / 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/petitioners thereafter abscond, consequences ingrained in Section 229-A of the Indian Penal Code 1860 will follow wherever applicable.

-sd/-
07/06/2021

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,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-3, SHOLAVARAM POLICE STATION,
SHOLAVARAM, THIRUVALLUR DISTRICT.

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

सत्यमेव जयते

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CRL OP.9937/2021
Date :07/06/2021

cs 12/07/2021