

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cr1.O.P.No.10060 of 2021

1.Daniel

2.Joshe Franklin

... Petitioners

Vs.

State rep. by the
Inspector of Police,
T-14, Mangadu Police Station
Chennai.

(Crime No.1343 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners/Accused on bail in the event of their arrest or surrender in connection with Crime No.1343 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Kaveriselvam

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the alleged offences under Sections 294 (b), 324, 506(i) of IPC, in Crime No.1343 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the one Malarkodi is the defacto complainant who was assaulted by the petitioners on 01.10.2020 due to a dispute regarding parking of vehicle in front of the house. According to the prosecution, the first petitioner is the uncle of the defacto complainant's husband and the second petitioner is the son of the first petitioner.

3. However, it is the case of the petitioners that they are innocent and no way connected with the alleged offence. There is a property dispute between the petitioners and the defacto complainant. A false case was foisted against them.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police also submits that there is no previous case against them.

5. After giving due consideration to the fact that there is property dispute between the petitioners and the defacto complainant and they are relatives and in view of the fact that only simple injury was caused on the defacto complainant and she was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

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 lifting of lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Ambattur, on condition that the petitioners shall execute separate bonds 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 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.

-sd/-
09/06/2021

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 COURT,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10060/2021

सत्यमेव जयते Date :09/06/2021

MK:12/07/2021

WEB COPY