

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10164 of 2021

1. Shankar
2. Savithri
3. Sathiyamoorthy
4. Shanthi
5. Sekar

... Petitioners

Vs.

State rep. By its
The Inspector of Police,
Thimiri Police Station,
Ranipet District.
(Crime No.282 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant Anticipatory bail to the petitioners in the event of
arrest in Crime No. 282/2021 in the Inspector of Police, Thimiri
Police Station, Ranipet District.

For Petitioners : Mr.G.M.Sankar

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

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for
the offences punishable under Sections 147, 294(b), 323, 324,
506(ii) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act 1998 in Crime No.282 of 2021 and they seek
anticipatory bail.

2. The case of the prosecution is that the petitioners
assaulted the defacto complainant on 29.05.2021 and also used abusive
and filthy language against him.

3. However, it is the case of the petitioners that they are
innocent and no way involved in the commission of offence.

4. The learned Government Advocate (CrI.side) for the respondent would submit that petitioners along with other accused assaulted the defacto complainant and also abused him in filthy language. He would submit that insofar as the petitioners 1, 2 and 5 are concerned who have been arrayed as A1, A2 and A5, they inflicted head injury on the defacto complainant with stick due to which, the victim was hospitalised and subsequently discharged from hospital.

5. After giving due consideration to the afore mentioned factors and in view of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of certain 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 lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Arcot, 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 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 obtain the production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks from the date of lifting of lockdown and thereafter, 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 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 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/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-
10/06/2021

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,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIMIRI POLICE STATION,
RANIPET DISTRICT.

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

CRL OP.10164/2021

Date :10/06/2021

cs 08/07/2021

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