

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10169 of 2021

1. M.Ramu
2. M.Natarajan

... Petitioners

Vs.

State rep. by
The Inspector of Police,
E3 Police Station,
Sathurangapattinam,
Chengalpattu District.
(Crime No.249 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in
Crime No.249 of 2021 on the file of the Respondent or on their
appearance.

For Petitioners : Mr.S.Venkatesh

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest by the respondent police
for the offences punishable under Sections 294(b), 323, 324 and
506 (ii) I.P.C. in Crime No.249 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the
defacto complainant's husband viz., Ramu are the brothers. There are
some property disputes between the brothers. The case of the
prosecution is that the petitioners used abusive and filthy language
against the defacto complainant.

3. However, it is the case of the petitioners that they are innocents and they never used such abusive and filthy language.

4. The learned Government Advocate (Crl.side) for the respondent would submit that there is a property dispute between the petitioners and the defacto complainant's husband.

5. After giving due consideration to the fact that the dispute is a family dispute and in view of the fact that the defacto complainant has not sustained any injury, this Court is inclined to grant anticipatory bail to the petitioner 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 District Munsif cum Judicial Magistrate, Thirukalukundram 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 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 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE,
THIRUKALUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E3 POLICE STATION,
SATHURANGAPATTINAM,
CHENGALPATTU DISTRICT.

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

CRL OP.10169/2021

Date :10/06/2021

cs 13/07/2021

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