

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.10444 of 2021

1. B.Manesh
2. T.M.Suja Manesh
3. S.Subash

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
R11 Royala Nagar Police Station,
Chennai-89.
(Crime No.385 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.385 of 2021 pending on the file of the respondent police.

For Petitioners: Mr.T.I.Ramanathan

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 427 and 506(2) of IPC and Section 4 of Women Harassment Act in Cr.No.385 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives. Due to land dispute, the petitioners assaulted the defacto complainant by hands and harassed her. Based on the complaint, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the petitioners lodged a complaint as against the defacto complainant, only for the counter blast, the defacto complainant registered a case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that there was only a wordy quarrel between the petitioners and the defacto complainant and no injury.

5. Considering the fact that there is no serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 receipt of a copy of this order, before the learned Judicial Magistrate-I, Poonamallee on condition that the petitioners shall execute separate 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 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 Court concerned 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 daily at 10.30 a.m. For a period of two weeks and thereafter, 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/06/2021

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.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

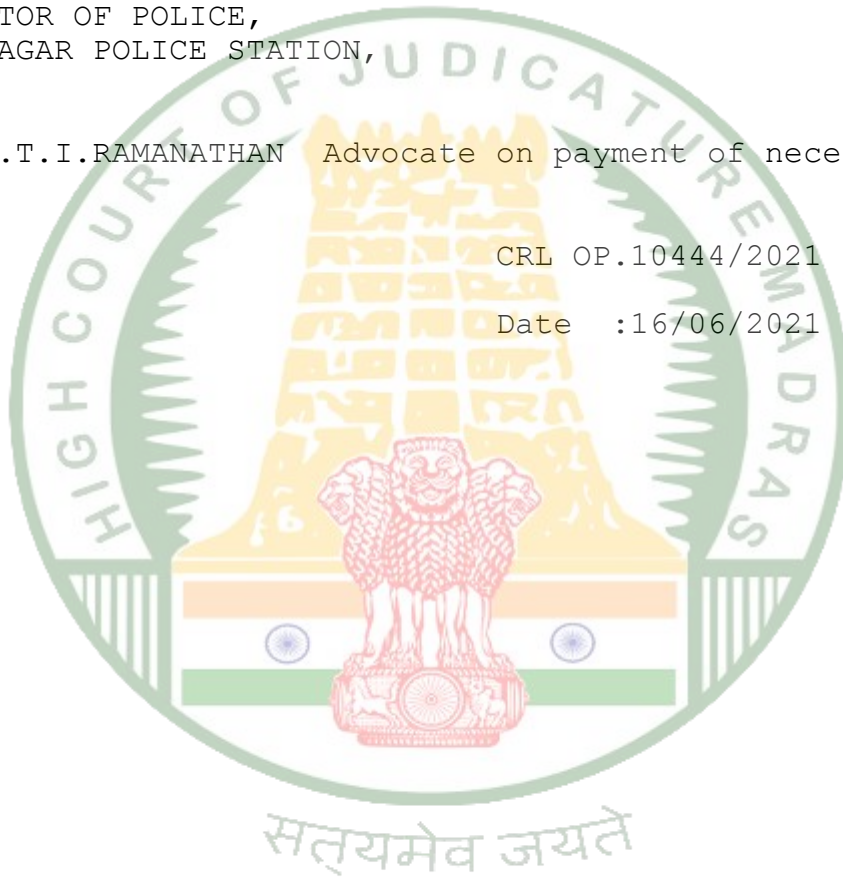
4 THE INSPECTOR OF POLICE,
R-11, ROYALA NAGAR POLICE STATION,
CHENNAI-89.

CC to M/S.T.I.RAMANATHAN Advocate on payment of necessary
charges

CRL OP.10444/2021

Date :16/06/2021

TA-14/07/2021



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