

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11040 of 2021

1.Saravanan
2.Sangeetha
3.Balaraman

... Petitioners

Vs.

State rep by
The Inspector of Police,
Magaral Police Station,
Kancheepuram District.
(Crime No.78 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.78 of 2021 on the file of the respondent police.

For Petitioners : Mr.G. MaheshKumar

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 555, 506(ii) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.78 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute the petitioners abused the defacto complainant and also threatened him with dire consequences. Hence, the defacto complainant has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits due to land dispute between the petitioners and the defacto complainant, the defacto complainant lodged a complaint against the petitioners. He further submitted that the petitioners have also lodged a complaint against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to land dispute, the petitioners abused the defacto complainant and threatened him with dire consequences. He further submits that there was only wordy quarrel between the parties and the petitioners have not caused injuries to the defacto complainant. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact there was only wordy quarrel between the parties, , 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 Judicial Magistrate II, Kancheepuram on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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/-
28/06/2021

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,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S G.MAGESHKUMAR Advocate on payment of necessary charges SR NO.6835

CRL OP.11040/2021

सत्यमेव जयते Date :28/06/2021

MK:09/07/2021

WEB COPY