

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20772 of 2020

1.Sharmila  
2.Jayamoorthy  
3.Chandrasekar

...Petitioners

Vs.

State Rep. by  
The Inspector of Police,  
Reddiarpalayam Police Station,  
Puducherry.  
Crime No.0217 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of arrest in Crime No.0217 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.S.Panneer Selvan

For Respondent : Mr.V.Balamurugane  
Public Prosecutor (Puducherry)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 323, 324, 448 and 506(ii) rw/ 34 of IPC in Crime No.0217 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the marriage took place between the first petitioner and the son of the de facto complainant on 18.10.2020 and that there was a quarrel between the parties, due to which, the first petitioner came to the parental house. On the date of occurrence, there was a mediation between the parties, in which, the petitioners said to have attacked the de facto complainant and his son with hands and sticks and caused injuries to them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that there was a quarrel

between the petitioners and the *de facto* complainant's family, due to which, a false case has been foisted against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent would submit that due to family quarrel, the petitioners attacked the *de facto* complainant and his son with hands and sticks and thereby, caused injuries to them. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also the fact that nobody was seriously injured, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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-III, Puducherry, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
10/02/2021

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-III,  
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,  
PUDUCHERRY [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,  
REDDIARPALAYAM POLICE STATION,  
PUDUCHERRY.

+1 CC to M/S.S.PANNEER SELVAN Advocate on payment of necessary charges SR NO. 1515

सत्यमेव जयते

CRL OP.20772/2020

Date :10/02/2021

WEB COPY

MN-18/02/2021