

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.20192 of 2020

1. Chandiran
2. Mohan
3. Ilayaraja
4. Govindhammal

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Karimangalam Police Station,
Dharmapuri District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police connected with Crime No.1633 of 2020 on the file of the respondent police.

For Petitioners: Mr.H. Manojin

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 341, 294(b), 324, 506(ii) and 379 of IPC (NP), in Crime No.1633 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are ranked as A1 to A4. It is alleged that the petitioners said to have waylaid the defacto complainant and abused him with filthy language and also assaulted him with iron rod. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are relatives and there was a family dispute among them. He would further submit that the petitioners are innocent persons and they have not committed

any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioners and defacto complainant and due to the same the petitioners assaulted the defacto complainant. Therefore, he opposed to grant anticipatory bail to the petitioners.

5.Considering the fact that the petitioners and the defacto complainant are relatives and there was only family dispute among them, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Palacode, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 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].

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

-sd/-

25/01/2021

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,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S. H.MANOJIN Advocate on payment of necessary
charges SR NO. 872

सत्यमेव जयते

WEB COPY CRL OP.20192/2020
Date :25/01/2021

MN-02/02/2021