

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20764 of 2020

1. Lokidoss (a) Lokidosan ... Petitioners
2. Sandeep (a) Santhippu
3. Sampath
4. Girija

Vs.

The State Rep. by ... Respondent
Inspector of Police,
F2 SIPCOT Police Station,
Gummidipoondi,
Thiruvallur District.
(Crime No.276 of 2019)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.276 of 2019 pending investigation on the file of the Respondent.

For Petitioners: Dr.N.Thirumalai

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

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A3 and A6. They have been implicated with the crime for the offence punishable under Sections 147, 294(b), 324, and 506(i) of I.P.C. in Crime No.276 of 2019 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioners and the defacto complainant are neighbours. Due to a civil dispute, there was a wordy quarrel between them, as a result of which, the petitioners said to have abused the de-facto complainant in filthy language. Now, it is stated that A4 and A5 were arrested and already released on bail.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have

not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to a civil dispute, there was a wordy quarrel between them. He would submit that co-accused / A4 and A5 were arrested and already released on bail. He would further submit that there is no previous case pending against the petitioners.

5. Taking into consideration of the fact that the occurrence has been taken place due to a wordy quarrel and arrested co-accused A4 and A5 were already released on bail, 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 District Munsif cum Judicial Magistrate, Gummidipoondi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear 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/-

08/01/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F2, SIPCOT POLICE STATION,
GUMMIDIPOONDI, THIRUVALLUR DISTRICT.

CC to M/S.D.N. THIRUMALAI Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.20764/2020

Date : 08/01/2021

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MN-25/01/2021