

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20800 of 2020

1.Chanthirakala ... Petitioners/Accused Nos.2 to 5
2.Rekha
3.Rajkumar
4.Lakshmi

-Vs-

State Rep. by its ... Respondent/Complainant
Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District.
(Crime No.638 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of the arrest in Crime No.638 of 2020 on the file of the respondent or on their appearance before the concerned Court to release them on bail.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

WEB COPY
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 punishable under Sections 147, 294(b), 323, 324, and 506(ii) of IPC, in Crime No.638 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that on 17.12.2020 at about 8.00 p.m., there was some wordy quarrel arose between the parties. At that time the petitioners were abusing her with filthy language

and the second and third petitioners have attacked her sister namely Jaya with wooden log and hands. Due to which, she sustained injuries. Hence a complaint was lodged by the defacto complainant.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that there is a case in counter in Crime No.639 of 2020. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor submitted that the petitioners were abused the defacto complainant's grand daughter with filthy language and assaulted her with wooden rod and hand. He would submit that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioners and that there is a case in counter in Crime No.639 of 2020. However, he opposed for grant of anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6 Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Krishnagiri, on condition that the each petitioner shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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.

7 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 JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAGARASAMPATTY POLICE STATION,
KRISHNAGIRI.

CC to M/S M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.20800/2020

Date :08/01/2021

TA-02/02/2021