

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20794 of 2020

1. Thanigaimani
2. Kalpana
3. Vignesh
4. Monisha @ Monika @ Reshma ... Petitioners

Vs.

The State Rep. by
The Sub-Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Ranipet District.
(Crime No.595 of 2020) ... Respondent

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.595 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.A.Gopinath

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

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A4. They have been implicated with the crime for the offence punishable under Sections 294(b) and 506(i) of I.P.C. in Crime No.595 of 2020 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 petitioner said to have abused the de-facto complainant in filthy language and it is a case in counter. The petitioner has also given a complaint against the defacto complainant, which was registered in Crime Nos.594 of 2020.

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 the injured was discharged from the hospital. He would further submit that there is no previous case pending against the petitioners.

5. Taking into consideration of the fact that it is a case in counter and the injured was discharged from the hospital, 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, Arakkonam, 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 JUDICIAL MAGISTRATE,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
ARAKKONAM, RANIPET DISTRICT.

CC to M/S. A.GOPINATH Advocate on payment of necessary charges
Sr.293

CRL OP.20794/2020

Date :08/01/2021

RVR 19/01/2021



WEB COPY