

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.21149 of 2020

1.Shakila
2.Prakash

... Petitioners/Accused

-Vs-

State Rep. by
Inspector of Police,
Sadras Police Station,
Chengalpattu District.
(Crime No.1043 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners/accused on bail in the event of their arrest in Crime No.1043 of 2020, on the file of the respondent police.

For Petitioners : Mr.L.Madhan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act 2002, in Crime No.1043 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner and the defacto complainant are neighbours and there was a rain water drainage dispute between them. On 09.12.2020 there was a quarrel during which, the petitioners have abused and assaulted the defacto complainant's father and thereby, he sustained injuries. Based on the complaint given by the defacto complainant, a case was registered.

3. The learned counsel for the petitioners submitted that a false case have been foisted against the petitioners and they have nothing to do with the alleged offence. He further submitted that there was a rain water drainage dispute between the parties, as a result of which a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the parties in which the petitioners attacked the defacto complainant's father and submitted that there is no bad antecedent as against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case that the petitioners have no bad antecedents as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Thirukkazhukundram, on condition that each of the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-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,
THIRUKKAZHUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SADRAS POLICE STATION,
CHENGALPATTU DISTRICT.

CC to M/S. L.MADHAN Advocate on payment of necessary charges
Sr.267

CRL OP.21149/2020

Date :08/01/2021

RVR 21/01/2021

WEB COPY