

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.21043 of 2020

1. Surya
2. Maranathan

... Petitioners

Vs.

The Inspector of Police,
B3 Fort Police Station,
Chennai - 600 009.
(Crime No.353 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge on anticipatory bail petition in the event of their arrest against in Crime No. 353 of 2020 on the file of Inspector of Police, B3 Fort Police Station, Chennai-600 009, pending investigation in the interest of justice.

For Petitioners : Mr.K. Shanmugam

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 452, 341, 294(b), 324, 307 r/w 34 of IPC and Section 4 of Women harassment Act, in Crime No.353 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused entered into the defacto complainant's house and assaulted and threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are innocent person and no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners have assaulted the defacto complainant, due to which the defacto complainant sustained injuries and was admitted in hospital. He further submits that the victim has now been discharged from the hospital and he would further submit that co-accused have already been released on bail. However, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, co-accused have already been released, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioner is 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 made ready, before the learned VII Metropolitan Magistrate GT, Chennai - 600 001, on condition that the petitioners shall execute a 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 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 daily at 10.30 a.m for a period of two weeks and thereafter 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/-

06/01/2021

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 VII METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI - 600 001.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
B3 FORT POLICE STATION,
CHENNAI 09

CC to M/S. K.SHANMUGAM Advocate on payment of necessary charges
Sr.164

CRL OP.21043/2020

Date :06/01/2021

RVR 21/01/2021



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