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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21065 of 2021

1.Sampath
2.Punitha
3.S.Shanmugam

... Petitioners

Vs.

The State
Rep. by The Inspector of Police,
R.K.Pet Police Station,
Tiruvallur District.
Cr.No.605 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.605 of 2021, dated 27.10.2021, on the file of the respondent police.

For Petitioner : Mr.K.Venkatesan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC, r/w under Section 4 of Harassment of Women Act, 2002, in Crime No.605 of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the de facto complainant, as a result of which, the petitioners are said to have attacked the de facto complainant and caused simple injuries and there is a case in counter.

3. The learned Government Advocate submitted the victim has already been discharged from the hospital. The learned counsel further submitted that there is no previous cases pending against these petitioners.



4. Taking into consideration, the facts and circumstances of the case and also of the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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5. 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 made ready, before the learned Judicial Magistrate, Pallipattu, on condition that each of the petitioner 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, 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 daily at 10.30 a.m. for a period of two weeks, thereafter, every Saturday for a period of four 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
PALLIPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVLLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
RK PET POLICE STATION,
TIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.VENKATESAN Advocate on payment of necessary charges
SR.NO.13010

CRL OP.21065/2021

Date :17/11/2021

RVR 22/11/2021