



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24711 of 2021

1.Kasthuri
2.Saraswathi

... Petitioners

Versus

The State represented by
The Inspector of Police,
M-5 Ennore Police Station,
Chennai - 600 057.
(Crime No.960 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.960 of 2021 on the file of respondent police.

For Petitioners : Mr.J.Manikandan

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 506(2) of IPC in Crime No.960 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on perusal of the FIR it reveals that it is clearly family dispute, which was converted as criminal offence by the defacto complainant to take possession of the said property. The defacto complainant instead of settling the issue amicably, want only displayed the same as if the entire family is molesting her. The petitioner does not initiated any violence act against the defacto complainant rather the 1st and the 2nd petitioners was not at present, were the said crime scene held, the defacto complainant out of the averments on the 1st and 2nd petitioners want only raised frivolous allegation against them. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the case in counter, there is family dispute and wordy quarrel. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the learned *Judicial Magistrate, Tiruvottiyur*, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 requires 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT.[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI 600057

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S J.MANIKANDAN Advocate on payment of necessary
charges SR.NO.15009

CRL OP.24711/2021

Date :17/12/2021

CSK 22/12/2021