

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.34608 of 2019

& CRL.MP.No.766 of 2020

1 R.SASIKALA
2 R.DILIPKUMAR
3 R.PUNITHA
4 R.CHANDRU
5 M.PUGAZHENTHI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
MARAIMALAI NAGAR,
KANCHEEPURAM DISTRICT.
CR.NO.630 OF 2019.

[RESPONDENT]

P.BALASUBRAMANIAM

[PETITIONER / INTERVENER]

[ORDERED AS PER ORDER OF THIS COURT
DATED 19/04/2021 MADE IN
CRL.MP.NO.766/2020
IN CRL.OP.NO.34608/2019]

For Petitioner : M/S.M.PRAVEEN KUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

For Intervner : M/S. T.R.RAVI, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 352, 392 IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.630 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the petitioners and the defacto complainant, as a result of which, the petitioners along with other accused persons had entered into the defacato complainant's house and attacked him and caused injuries. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have filed a complaint before the All Women Police Station, Thirumangalam in Crime No.711 of 2019 against the defacto complainant. The petitioners have also given a complaint before the respondent police in Crime No.631 of 2019 and only against the same, a case in counter has been filed by the defacto complainant. Hence, he prays for grant of anticipatory bail to the^t petitioners

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that this is a case in counter and the petitioners and the defacto complainant have lodged Crime Nos.630 & 631 of 2019 which have been registered by the respondent police. He further submits that a case in Crime No.711 of 2019 has been registered by the All Women Police Station, Thirumangalam. He further submits that the injured person has been discharged from the hospital. He further submits that the Mediation Centre had completed the process and report has also been filed stating that no agreement was reached.

5. Considering the facts and circumstances of the case, there is no previous case pending against the petitioners, and that this is a case in counter, this Court is inclined to grant anticipatory bail to the^t petitioners.

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 of receipt of a copy of this order, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1 and 3 shall report before the respondent police as and when required for interrogation and the other 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 petitioner 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.

7. In view of the grants anticipatory bail to the petitioners and the further fact that the petitioners in Crl.M.P.No.27546 of 2019 before the Principal District and Sessions Judge, Chennai, are also involved in the same transactions, which is a matrimonial dispute, the Principal District and Sessions Judge, Chennai, shall consider Crl.M.P.No.27546 of 2019 in the light of the order passed by this Court in the present petition and shall dispose of the Crl.M.P.No.27546 of 2019 within a period of two weeks from the date of receipt of copy of this order. In the meantime, the respondent police is directed not take any coercive steps against the petitioners in Crl.M.P.No.27546 of 2019.

-sd/-

19/04/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE
NO.XIV, EGMORE, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
MARAIMALAI NAGAR,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.M.PRAVEEN KUMAR Advocate on payment of necessary
charges SR.No.5091

+1 CC to M/S.T.R.RAVI Advocate on payment of necessary charges
SR.No.5099

CRL OP.34608/2019
& CRL.MP.766/2020

Date :19/04/2021

cs 30/04/2021

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