



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.1306 of 2022

1.Banu
2.Radhi
2.Tilaka @ Tilakavathy
4.Sankar
5.Santhana Bharathi

...Petitioners

Vs.

State Rep. By
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
(Crime No.185 of 2018)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No.185 of 2018 on the file of the respondent or on their appearance before the concerned Court.

For Petitioners : Mr.P.Veera Narayanan

For Respondent : Mr.A.Gokula Krishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections Sections 147, 148, 448, 341, 294(b), 323, and 506(ii) of IPC r/w 3 of TamilNadu Public Property Prevention of Damage and Loss Act, 1922 in Cr.No.185 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.03.2018, due to love marriage performed by the defacto complaianant, the petitioners trespassed into the victim's house, assaulted the defacto complainant's husband and abused them in filthy language, threatened them with dire consequences and caused injuries to them and also caused damage to the household articles and two wheeler. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further contended that there was a dispute between their families with regard to the defacto complainant's love marriage, for which the case was lodged on the 2018. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor on instructions submits that there is no previous case as against the petitioners and he further submits that the investigation was almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **X Metropolitan Magistrate Court, Egmore, Chennai** on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) **each** 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 Court concerned 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]**; and;

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

-sd/-

24/01/2022

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI.

+1 CC to M/S J.SAMIULLAH Advocate on payment of necessary charges SR.NO.1104

CRL OP.1306/2022

Date :24/01/2022

TA-08/02/2022