



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12966 of 2022

1 S.SUDHA
2 DAISY PRASANNA

[PETITIONERS / ACCUSED]

Vs

INSPECTOR OF POLICE
S9, PAZHAVANTHANGAL POLICE STATION,
CHENNAI.
CR.NO.96/2022.

[RESPONDENT]

For Petitioner : M/S.J.MITHERA PAUL KIRUBAGARAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences under Sections 448, 294(b), 323 and 506(i) of I.P.C. in Crime No.96 of 2022, and he has filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the defacto complainant disturbed the daughter of 1st petitioner, it was questioned by the petitioners, in which, quarrel ensued between them, due to which, the petitioners are said to have assaulted him and threatened with dire consequences. In the said circumstances, the criminal case has been registered against the petitioners. Now apprehending arrest, the present petition has been filed by the petitioners.

3.The learned counsel appearing for the petitioners submitted that they are innocent persons and they are no way connected with the offence.He would also submit that they have been falsely implicated in this case. Hence,he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that as the defacto complainant disturbed the daughter of 1st petitioner, it was questioned by the petitioners. Hence, there arose quarrel between them, in which, the petitioners have assaulted him and also threatened him. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances, nature of offence and the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 Judicial Magistrate, Alandur on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 are 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.

WEB COPY

-sd/-

01/06/2022

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 JUDICIAL MAGISTRATE,
ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE
S9, PAZHAVANTHANGAL POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.MITHERA PAUL KIRUBAGARAN Advocate on payment of necessary charges Sr.8388

CRL OP.12966/2022

Date :01/06/2022

RVR 03/06/2022