

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.14305 of 2018

1 SELVAMANI
2 EASWARAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
DHARAPURAM TALUK,
TIRUPPUR DISTRICT.
CR.NO.135 OF 2018.

[RESPONDENT]

For Petitioner : M/S.N.PONRAJ Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s.294[b], 447 and 353 IPC in Crime No.135/2018, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner who is an employee under the defacto complainant came along with her husband on the date of occurrence and abused him in filthy language.

3. The learned Additional Public Prosecutor submitted that the petitioners prevented the complainant from doing his official duty by trespassing into his office.

4. The learned counsel for the petitioner submitted that the petitioners are falsely implicated in the case and they have nothing to do with the alleged offence.

5. Taking into consideration the nature of allegations against the petitioners in the FIR, this Court is of the view that this is a fit case to grant anticipatory bail to the 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 Judicial Magistrate, Dharapuram, on condition that each of 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 and on further condition that:

[a] the petitioners shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/05/2018

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
DHARAPURAM TALUK,
TIRUPPUR DISTRICT.

+1CC to M/S.N.PONRAJ Advocate on payment of necessary charges
SR NO.9682

CRL OP.14305/2018

Date :30/05/2018

MK:31/05/2018