

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17696 of 2019

1 CHELLAMUTHU
2 JAGANATHAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
DHARAPURAM POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.347 OF 2019

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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 offences punishable under Sections 341, 427, 324, 506(ii) IPC in Crime No.347 of 2019, seek anticipatory bail.

2.The case of the prosecution is that on 28.06.2019, both parties are known persons and are living in Dharapuram town. There was a dispute between them regarding repayments outstanding amounts. The allegation said to have been in the complaint that the defacto complainant was scolded him with language and assaulted on right side hand and legs with wooden log and damaged the victim property and dare consequence. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the case of the petitioner is that whole of the prosecution story is totally false. The petitioner was lodged FIR in Crime No.346 of 2019 against the complainant and others as counter case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the victim has been discharged from the hospital. Hence, she vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain

conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram on condition that each 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, 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 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 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 petitioners in accordance with law as if the conditions have been imposed and the second 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
08/07/2019

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

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1. THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DHARAPURAM POLICE STATION,
TIRUPUR DISTRICT.

+1 CC to M/S.P.KALIMUTHU Advocate on payment of necessary
charges SR.NO. 13674

RD 16/07/2019



CRL OP.17696/2019

Date :08/07/2019

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