

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.01.2021

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THE HONOURABLE MR. JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.402 of 2020

1.Manikandan,
S/o.Annadurai.
2.Ajithkumar,
S/o.Annadurai.
3.Annadurai,
S/o.Shanmugam.
4.Kumari,
W/o.Annadurai.

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
Tholasampatty Police Station,
Salem District.
Cr.No.368 of 2020.

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.368 of 2020, on the file of the respondent police, pending investigation.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 323, 324, 354 and 506(i) IPC, r/w 4 of TN Prohibition of Women Harassment Act 2002, in Crime No.368 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to the civil dispute, the petitioners were scolded the defacto complainant in filthy language and assaulted him with wooden log, thereby he sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and no way connected with this crime as alleged by the prosecution and they have been falsely implicated in this case. He would also submit that it is a case in counter and on a complaint given by the petitioners a case has been registered in crime No.369 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital. He would also submit that it is a case in counter. However, he opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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 on which the order copy made ready, before the learned Judicial Magistrate, Omalur, on condition that 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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.

V.BHARATHIDASAN.,J.

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[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 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.

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