

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.3860 of 2020

1 M.BALU
2 B.ASHOK

[PETITIONERS / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE (CRIME)
ALL WOMEN POLICE STATION,
TIRUVARUR,
TIRUVARUR DISTRICT.
(CRIME NO. 1/2020)

For Petitioner : M/S.S.K.KANNADASAN Advocate

For Respondent : M/S.S.THANKIRA Government Advocate (Crl. Side)
[IN CRL.OP.NO.3860/2020]

[*]For Respondent : MR.C.RAGHAVAN Government Advocate (Crl. Side)
[IN CRL.MP.NO.3542/2020]

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 **[*]294 (b), 323 and 506(i) IPC & 4 of TNPWH ACT** in Crime No.1 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had abused and attacked the de-facto complainant in filthy language and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners had abused and attacked the de-facto complainant in filthy language and caused injuries. She further submitted that the victim has been discharged from the hospital.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 is made ready, before the learned Judicial Magistrate, Tiruvarur, on condition that each of the petitioner shall execute a separate 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 Aadhaar 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 one week 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/02/2020

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.

[*]Amended and time granted by this court to comply with the conditions imposed vide its order dated 21.02.2020 in Crl.O.P.NO.3860 of 2020, is extended for a further period of fifteen days from the date of receipt of a copy of this order as per the order of this court dated 23.03.2020 made in crl.MP.NO.3542/2020 IN CRL.OP.NO.3860/2020.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME)
ALL WOMEN POLICE STATION,
TIRUVARUR,
TIRUVARUR DISTRICT.

+1 CC to M/S.S.K.KANNADASAN Advocate on payment of necessary charges SR.No.5635

CRL OP.3860/2020

Date :21/02/2020

cs 26/02/2020
RD 02/06/2020

सत्यमेव जयते

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