

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6344 of 2020

1 DHARUMAIYAN

[PETITIONERS / ACCUSED]

2 SANTHOSH @ SANTHOSH KUMAR

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
THIRUVARUR DISTRICT.
CR. NO. 27 OF 2020

For Petitioner : M/S. SWAMISUBRAMANIAN Advocate

For Respondent : M/S. S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 352 and 506(i) of I.P.C. r/w Section 4 of Prohibition of Harrasment of Women Act 2002 in Crime No.27 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the neighbour of the petitioners. There was a dispute between the petitioners and the defacto complainant regarding fencing. On 29.02.2020 there was a wordy quarrel between the petitioners and the wife of the defacto complainant. The petitioners have used filthy language against the the defacto complainant and also attacked the defacto complainant using iron rod. Hence, the complaint.

3.Learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case. The defacto complainant lodged the complaint with an ulterior motive. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Learned Additional Public Prosecutor would submit that the petitioners have attacked the defacto complainant with iron rod and abused him with filthy language. There is no previous case against the petitioners and it is only an usual quarrel between the neighbours.

5.Considering the above facts and circumstances and also considering the fact that the first petitioner is a senior citizen, aged about 80 years, 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, Thiruthuraipoondi, Thiruvavarur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this Court 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/03/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

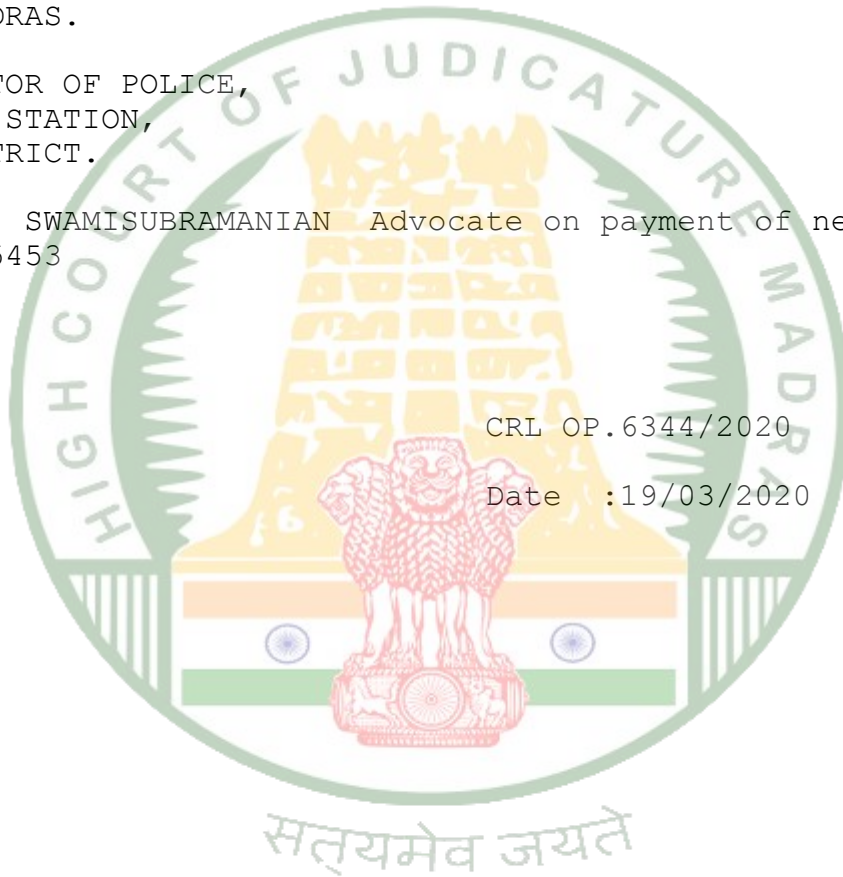
4 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary
charges SR.No.5453

CRL OP.6344/2020

Date :19/03/2020

cs 01/06/2020



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