

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P. No.7123 of 2020

1. Valarmathi
2. Sumathara @ Ramamirtham .. Petitioners

Vs

State Represented by
Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.83 of 2020 ... Respondent

Prayer :- Criminal Original Petition filed under Section 438 Cr.P.C.,
to grant Anticipatory Bail to the petitioner in the event of his
arrest in Crime No.83 of 2020 pending on the file of the respondent
police.

For Petitioners : Mr.Swami Subramanian
For Respondent : Mr.K.Prabakar
Addl. Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 294(b),
448, 324, 342 & 506(ii) IPC in Crime No.83 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity,
the petitioners went to defacto complainant's house, abused him with
filthy language and also attacked him by using arrival and caused
grievous injury to him. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the
petitioners have not committed any offence as alleged by the
prosecution and a false case has been foisted against them. Hence, he
prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the
petitioners abused the defacto complainant with filthy language and
attacked him and caused grievous injuries to him. He would further
submit that the injured has been discharged from the hospital.
However, he opposed for the grant of 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, Thiruthuraipoondi, Thiruvarur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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 surety 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 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 229A IPC.

-sd/-

04/06/2020

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,
THIRUTHURAIPONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

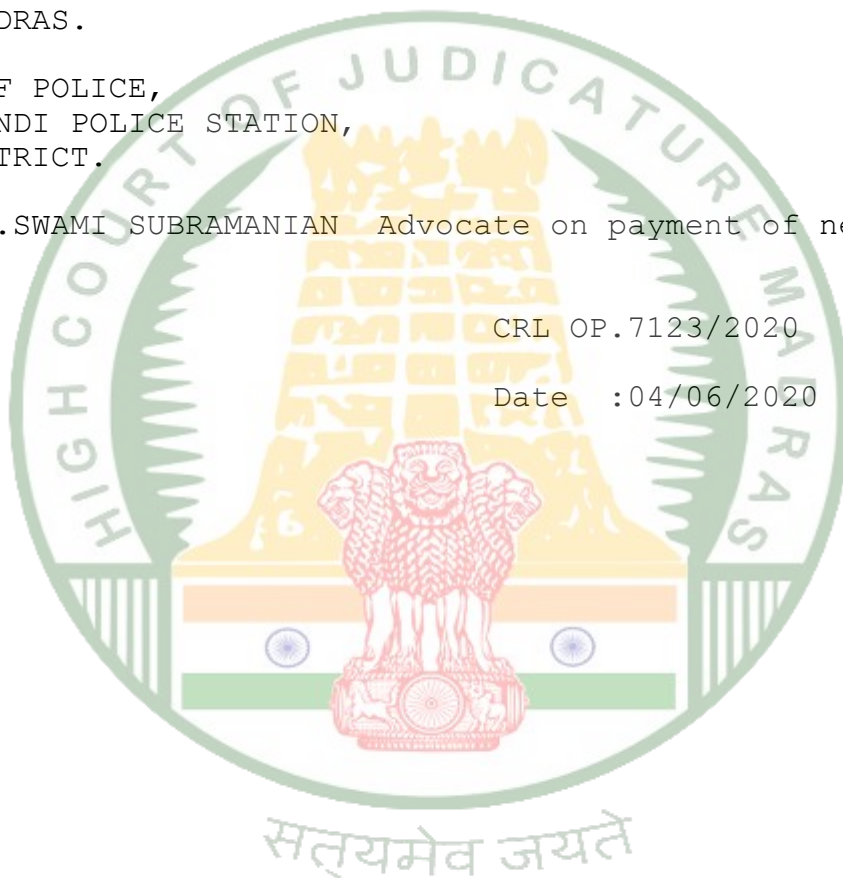
4 INSPECTOR OF POLICE,
THIRUTHURAIPONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.7123/2020

Date :04/06/2020

RVR 22/06/2020



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