

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos. 7793 & 7794 of 2020

K. Balasubramanian,
S/o. Kasinathan,
Kezhagraharam,
Serankulam,
Mannargudi Taluk,
Thiruvaraur District.

.. Petitioner in Crl.O.P.No.7793 of 2020
/ Accused -2

Ananth,
S/o. Balasubramanian,
625, Agraharam East,
Serankulam,
Mannargudi Taluk,
Thiruvaraur District.

.. Petitioner in Crl.O.P.No.7794 of 2020
/ Accused -1

Vs.

The State rep. by its
The Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.
[Crime No. 1930 of 2020]

.. Respondent in both the petitions
/ Respondent

Common Prayer: Criminal Original Petitions filed for anticipatory bail under Section 438 of Criminal Procedure Code.

(In both the petitions)

For Petitioners : Mr. J. Jawahar

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

COMMON ORDER

The petitioners in both the petitions, who apprehend arrest at the hands of the respondent Police for alleged offence punishable under Sections 294 (b) and 506 (i) of I.P.C., in Crime No. 1930 of 2020, seek anticipatory bail.

2. The case of the prosecution is that, the de-facto complainant is running business of selling agricultural products in the name and style 'Mega Agri Clinic' at Mannargudi. The petitioner in Crl. O.P. No. 7794 of 2020 is first accused and the petitioner in Crl. O.P. No. 7793 of 2020 is the second accused. The first accused purchased seven bags of paddy seeds from the de-facto complainant and subsequently, he came to the shop of the de-facto

complainant along with the bags of seeds, with an intention to return the seeds, complaining that the seeds are not in good quality and they are not growing. The employees of de-facto complainant, after verifying with the company which sold the seeds, informed the first accused to soak the seeds for one more day. In spite of the same, the first accused and the persons accompanied him threw the bags in the middle of the road, abused in filthy language and threatened the employees of the de-facto complainant and took photographs of the shop. The second accused, father of the first accused threatened the de-facto complainant over phone and abused her in filthy language. On complaint, a case has been registered against the petitioners under Sections 294 (b) and 506 (i) of I.P.C.

3. The learned counsel appearing for the petitioners submitted that at the time of purchase of seeds, there was some wordy quarrel between the first accused and employees of the de-facto complainant. The second accused is only father of the first accused and he is no way connected with the case. The petitioners are innocent and their names are falsely implicated in the case and prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the first accused abused the de-facto complainant and her employees and the second accused threatened the de-facto complainant over phone. On complaint, case has been registered against the petitioners and investigation is pending and hence, opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the nature of offence and the submissions of the learned counsel on either side, 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 their arrest or on their appearance within 15 days from the date of receipt of a copy of this order before the Court of Judicial Magistrate No. I, Mannargudi, on condition that each of the

petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 Judicial Magistrate No. I, Mannargudi, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(i) The petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) The petitioners shall report before the respondent Police as and when required.

(iii) The petitioners shall not abscond either during investigation or trial. The petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as laid down in the decision of the Hon'ble Supreme Court reported in **(2005) AIR SCW 5560, [P.K.Shaji Vs. State of Kerala]** and

(v)If the petitioners thereafter absconds, a fresh First Information Report can be registered under Section 229A of IPC.

7.Accordingly, the Criminal Original Petitions are allowed.

22.05.2020

Index : Yes / No
gsa/kj

To

- 1.The Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.
- 2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa



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