

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos.7980 and 7981 of 2020

Nelson
S/o.Rajappa
Ambethkar street
Thiruverambur town
Trichirappalli Taluk
Trichirappalli District.

.. Petitioner/2nd Accused in
(Crl.O.P.No.7980 of 2020)

Arockiyadoss
S/o.Rajappa
North street
Ayampettai Village
Needamangalam Taluk
Tiruvarur District.

.. Petitioner/1st Accused in
(Crl.O.P.No.7981 of 2020)

Vs.

State rep. by
Inspector of Police,
Needamangalam Police Station
Tiruvarur District.
(Crime No.580 of 2020)

.. Respondent in both
Crl.O.Ps.

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

In both Crl.O.Ps.

For Petitioners : Mr.M.P.Yuvaraj
for Mr.Swami Subramanian

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.580 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was an illegal relationship between the wife of the deceased, who is brother-in-law of the defacto complainant and one Amaldass, brother of the petitioners/accused. The defacto complainant questioned Amaldass about the same. Due to the said incident, the petitioners came to the defacto complainant's house, abused in filthy language, stabbed him with knife in stomach and threatened him with dire consequences. On complaint, a case has been registered for the offence under Sections 294(b), 323, 324 and 506(ii) IPC.

3.The learned counsel appearing for the petitioners submitted that due to family dispute and to create bad antecedent, the defacto complainant has given false complaint against the petitioners. The petitioners are permanent resident and they will not abscond. The learned counsel further submitted that the petitioners are ready to furnish sureties and abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners abused, assaulted the defacto complainant and threatened him with dire consequences. On complaint, the case has been registered. The investigation is pending and hence, he 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. Taking into consideration the facts of the case and nature of allegations against the petitioners, 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 common order before the Court of District Munsif-cum-Judicial Magistrate, Needamangalam, Tiruvarur District, 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 concerned Judicial Magistrate, 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 bonds 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 daily at 10.30 a.m., until further orders.

(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 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioners thereafter abscond, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, both the Criminal Original Petitions are allowed.

Index : Yes / No
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V.M.VELUMANI, J.,

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To

1.The Inspector of Police
Needamangalam Police Station
Tiruvarur District.

2.The Public Prosecutor,
High Court, Madras.



Crl. O.P. Nos.7980 and 7981 of 2020

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