

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI. O.P. No. 8311 of 2020

1.K.Nallasamy @ Nandhakumar

2.Sekar @ Chandrasekar

.. Petitioners

vs.

The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

(Crime No. 209/ 2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C, praying to grant Anticipatory Bail to the petitioners in the event of arrest or their appearance before any Court in connection with case in Crime No. 209 of 2020 pending investigation on the file of the respondent Police.

For Petitioners : Mr. R.Prabakar

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 270, 353, 341, 332 and 506(ii) IPC in Crime No. 209 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners who were traveling in two wheeler abused and threatened the de facto complainant who is the Sub-Inspector of Police when the vehicle was intercepted. When the matter came up for hearing on last occasion, the learned counsel for the petitioners submitted that the petitioners realized their mistake and will submit written apology to the concerned Sub-Inspector of Police. Today, a copy of the written apology letter was filed before this Court. The learned counsel therefore submitted that this Court may consider grant of Anticipatory Bail to the petitioners.

3. Heard learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

4. Taking into consideration the facts and circumstances of

the case and also of the fact that the petitioners have regretted for their action and have given a written apology letter to the Sub-Inspector of Police, this court is inclined to grant Anticipatory Bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif cum Judicial Magistrate Court, Uthukuli, Tiruppur District, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 said Magistrate, 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 petitioners shall report before the respondent police on every Monday at 10.30 A.M. for a period of four weeks and thereafter, as and when required for interrogation.

[c] a copy of the written apology letter shall be furnished by each of the petitioners before the Court below, at the time of surrender.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

18/06/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
UTHUKULI,
TIRUPPUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

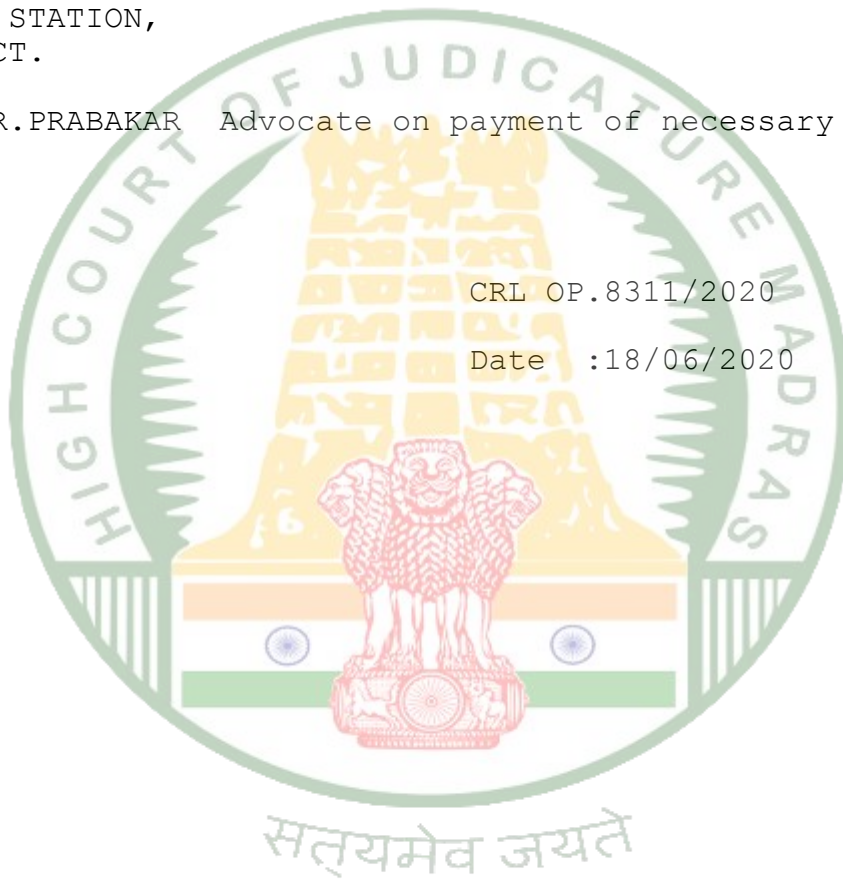
3 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.R.PRABAKAR Advocate on payment of necessary charges

CRL OP.8311/2020

Date :18/06/2020

rd 28/07/2020



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