

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8323 of 2020

1.Gunasekaran

2.Naveen Kumar

3.Ravi

4.Tamilarasan

... Petitioners

Vs.

State represented by

The Sub Inspector of Police,
Tharamangalam Police Station,
Salem District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., 1973 to enlarge the petitioners on anticipatory bail in the event of their arrest concern in Crime No.696 of 2020 on the file of the Sub Inspector Police, Tharamangalam Police Station, Salem District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b),

427 & 506(ii) of IPC r/w Section 4 of Women Harassment Act in Crime No.696 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a property dispute among the parties and on the date of incident, there was a wordy quarrel. The accused persons are said to have gone into the house of the defacto complainant and abused his daughter in a filthy language and also have criminally intimidated her and pushed her down.

3.The learned counsel for the petitioners submitted that a civil dispute has been given a criminal colour and a false case has been foisted against the petitioners.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that no one was injured in this case and there was a previous enmity between the parties due to a property dispute. The learned counsel further submitted that there are no previous case pending against these petitioners.

5. This Court is of the opinion that the petitioners can be directed to

deposit a sum of Rs.1,000/- each (Rupees one thousand only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to these petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur 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 and those sureties can be a common surety for all the petitioners, 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 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 deposit a sum of Rs.1,000/- (Rupees One Thousand only) each directly to the to the **Tamil Nadu Advocate Clerk**

Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), without prejudice to their rights and contentions before the trial court to contest the case on merits.

[c] the petitioners shall report before the respondent police, as and when required for interrogation.

[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]**.

[g] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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Index :Yes/No

Internet : Yes/No

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vkl/rka

To

1.The Judicial Magistrate Court,

Omalur.

2.The Sub Inspector of Police,

Tharamangalam Police Station,

Salem District.

3.The Public Prosecutor,

Madras High Court, Madras.



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N.ANAND VENKATESH.,J

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