

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.Nos.8368 and 8380 of 2020

Suresh Kumar

... Petitioner
in CrI.O.P.No.8368 of 2020

Vidya

... Petitioner
in CrI.O.P.No.8380 of 2020

Vs.

State represented by
Inspector of Police,
Kottur Police Station,
Thiruvarur District.

... Respondent
in both petitions

Criminal Original Petitions filed under Section 438 Cr.P.C., praying
to enlarge the petitioners on bail in the event of their arrest in Crime No.232 of
2020 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian
in both petitions

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
in both petitions

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.232 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are well known to the *de facto* complainant. Initially, there was a love affair between the *de facto* complainant's daughter and A4 and later this affair got broken. A1 is said to have picked up a quarrel with the wife of the *de facto* complainant and is said to have attacked her and caused head injury. There are totally four accused persons in this case and the petitioner in Crl.O.P.Nos.8368 and 8380 of 2020 are ranked as A2 and A1 respectively.

3.The learned counsel for the petitioners submitted that there is a case and counter and based on the complaint given by A1, the respondent police have registered a case in Crime No.231 of 2020.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the injured has been discharged from the hospital and there are no previous cases against the petitioners.

5.Considering the facts and circumstances of the case, 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 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 No.II, Mannargudi, Thiruvarur District, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

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[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, 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 persons thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

10.06.2020

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To

- 1.The Judicial Magistrate No.II,
Mannargudi,
Thiruvarur District
- 2.The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

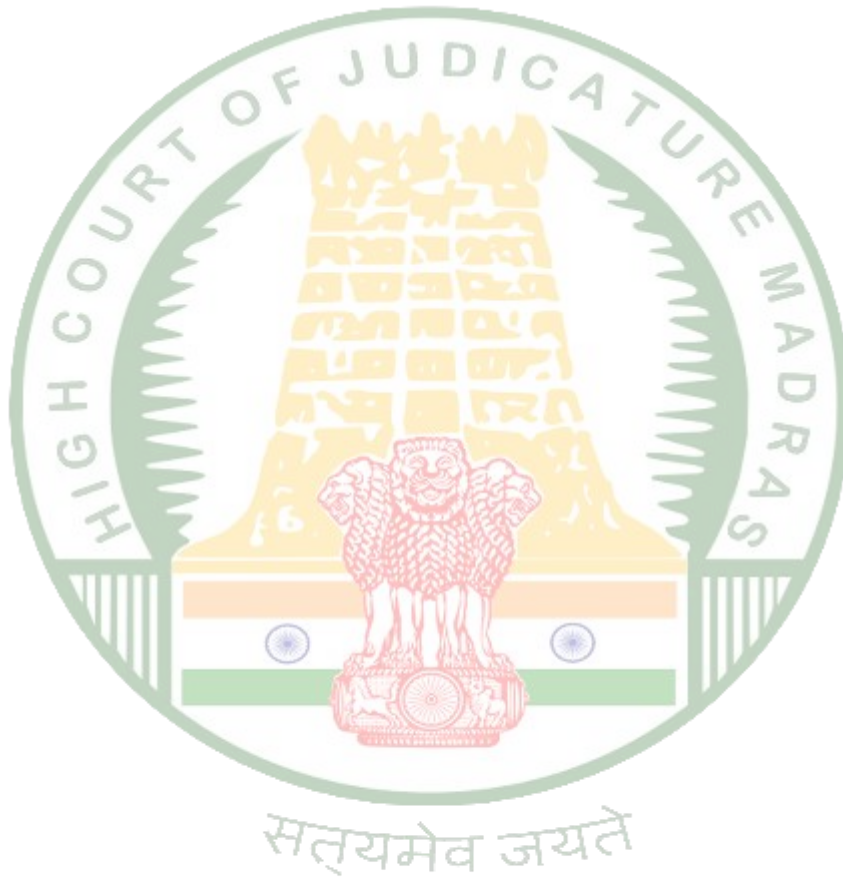
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