

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.8474 & 8476 of 2020

Anbudurai .. Petitioner/Accused No.2
in Crl.O.P.No.8474/2020

Rajasekaran .. Petitioner/Accused No.1
in Crl.O.P.No.8476/2020

/versus/

State rep.by ... Respondent/Complainant
The Inspector of Police, in both cases
Paravakottai Police Station,
Thiruvarur District,
Crime No.388 of 2020.

Common Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioners on bail in event of his arrest in Crime No.388 of 2020 on the file of the Inspector of Police, Paravakottai Police Station, Thiruvarur District.

For Petitioners : M/s Swami Subramanian
(in both cases)

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor
(in both cases)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 323 and 506(i) of IPC and Section 4 of TNPHW Act in Crime No.388 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had a wordy quarrel with the husband of the defacto complainant and they are said to have abused and intimidated the husband of the defacto complainant and caused him simple injuries. The petitioners are ranked as A2 and A1 respectively.

3. The learned counsel for the petitioners submitted that there is a civil dispute among the parties and a false case has been foisted against them.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured sustained simple injuries and he was later discharged from the hospital. The learned counsel further submitted that there are no previous cases pending against the petitioners.

5. Taking into consideration the facts and circumstances, 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, Thiruvavur District on condition that the petitioners shall execute separate 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 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 are directed to appear before the respondent police, as and when required.

[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 229A IPC.

-sd/-
11/06/2020

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 JUDICIAL MAGISTRATE NO.II,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.8474/2020

सत्यमेव जयते Date :11/06/2020

TA-27/07/2020

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