

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9646 of 2020

1.Manimaran

2.Muruganandam

... Petitioners/ Accused Nos.3 & 4

Vs.

The State represented by
The Inspector of Police,
Vaduvoor Police Station,
Tiruvarur, Mannargudi - 614001. ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No. 821 of 2020 dated 15.06.2020 on the file of the respondent police.

For Petitioners : Mr.Nirmal Aditya

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

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 506(II) of IPC, 1872, and Section 4(1) of Tamil Nadu Prohibition Act, 1937, in Crime No.821 of 2020, seek anticipatory bail.

2 The case of the prosecution is that on 15.06.2020, while the respondent police were in regular checking near Vadaku Thoppu junction, they had seen some miscreancy was happening in the coconut thoppu nearby. When the respondent police entered into the thoppu, everyone fled. The respondent police had confiscated two motor bikes and thereafter, when the accused approached the respondent police to release their vehicles, some commotion and confusion happened. Hence, the FIR was registered by the respondent police.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that petitioners are involved in gambling and they have abused the police in drunken mood. He further submitted that there is no previous case against the

petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.I, Mannargudi, on condition that the each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

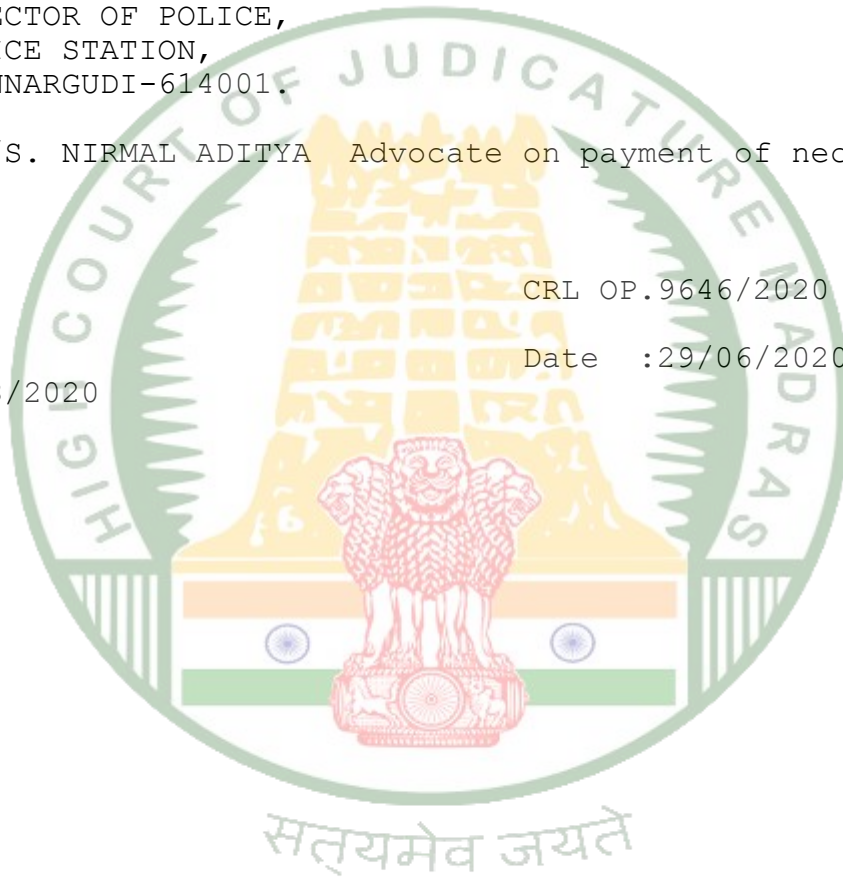
4 THE INSPECTOR OF POLICE,
VADUVOOR POLICE STATION,
TIRUVARUR,MANNARGUDI-614001.

CC to M/S. NIRMAL ADITYA Advocate on payment of necessary
charges

CRL OP.9646/2020

Date :29/06/2020

GKS (CS) :03/08/2020



WEB COPY