

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9658 of 2020

1. Kanthan,
S/o. Govindaraj,
2. Thavamani W/o. Kanthan,

Both petitioners are
residing at Raya City,
Needamangalam,
Thiruvarur District.

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Needamangalam Police Station,
Thiruvarur.

Cr.No.10 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioners in the even of
their arrest by the respondent police in Crime No.10 of 2020 pending
investigation on the file of the respondent police.

For Petitioners : Mr.M.Jayakumar

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

सत्यमेव जयते
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),
352 and 506 (i) of IPC, in Crime No.10 of 2020, seek anticipatory
bail.

2. The case of the prosecution is that on 08.01.2020 the
petitioners and other accused, who are relatives, joined together and
abused P.Kannagi/de-facto complainant in vulgar language, criminally
intimated and attacked her. Hence, the complaint.

3. The learned counsel for the petitioners would submit
that the petitioners are innocent persons and they have not committed
any offence as alleged by the prosecution. Therefore, he prays to
grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners had abused the de-facto complainant verbally, but no injury caused. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that no injury was caused to the victim, 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 concerned Judicial Magistrate, on condition that each of the petitioners shall execute a separate 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

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT AT
NEEDAMANGALAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

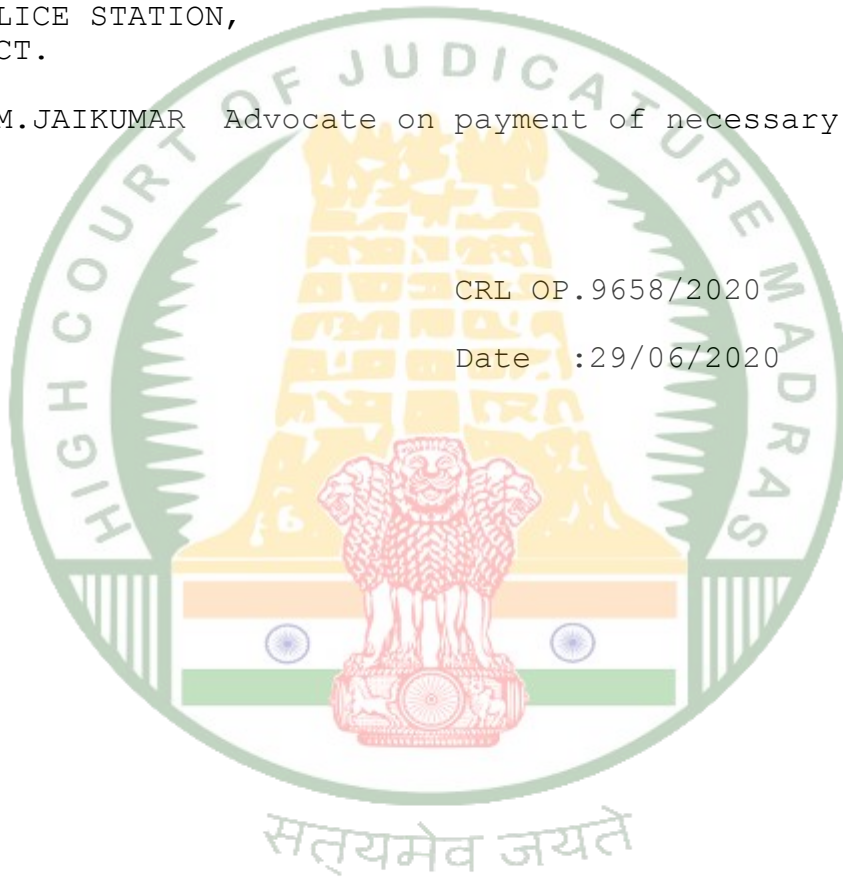
3 THE INSPECTOR OF POLICE
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.9658/2020

Date :29/06/2020

rd 28/07/2020



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