

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9771 of 2020

1.SARASWATHI

2.SANJAI@ SANJAIKUMAR

...Petitioners

vs.

State rep. by Inspector of Police
Koothanallur Police station,
Thiruvavarur District
Crime No. 449 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.449 of 2020 on the file of the respondent police.

For Petitioners : Mr.Swami Subramanian

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), 323, 324 and 506(ii) of IPC in Crime No.449/2020, seek anticipatory bail.

2. The case of the prosecution is that, on 20.04.2020, the petitioners herein entered into the house of the defacto complainant and abused her with filthy language and questioned her why she had illicit relationship with husband of the first petitioner and the second petitioner attacked the defacto complainant with hands and when the same was questioned by her mother, she was also attacked with cycle pump and both of them were injured badly and admitted in the hospital. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case with an ulterior motive. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant and her mother during the wordy quarrel between them and caused injury and the injured have been discharged from the hospital and there is no previous case against the petitioners and he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts 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.II, Mannargudi, Thiruvarur District, 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 four 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/06/2020

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 DISTRICT [FOR INFORMATION]
- 3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
- 4 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S SWAMISUBRAMANIAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9771/2020

Date : 30/06/2020

GKS (RVR) : 17/08/2020

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