

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 10299 of 2020

1.Ajithkumar
2.Nandhakumar

... Petitioners/ Accused A1 & A2

Vs.

The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District,
in Crime No.515 of 2019. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.515 of 2019 on the file of the respondent - the Inspector of Police, Muthupettai Police Station, Tiruvarur District.

For Petitioners : Mr.N.Palanivel

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

O R D E R

(The case has been heard through video conference)

The Petitioners who apprehend arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 294(b) and 506(2) of IPC, in Crime No. 515 of 2019, have filed this Criminal Original Petition, under Section 438 of Cr.P.C, seeking anticipatory bail.

2 The case of the prosecution is that on 11.12.2019, while the defacto complainant was inspecting the Keezhavadiyakadu Higher Secondary School, the petitioners have come in drunken mood, abused the school teachers in unparliamentary words and threatened them. Hence, the complainant.

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 respondents would submit that the first petitioner is involved in three previous cases, out of which one is under Section 307 of IPC and the second petitioner is involved in two previous. Hence, he oppose to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6 Accordingly, the petitioners are directed to be released on bail in the event of their 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, Thiruthuraipoondi, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 every day at 10.30 a.m., and 05.30 p.m., until further orders.

[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.

8 With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/07/2020

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,
THIRUTHURAIPOONDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.10299/2020

cs 17/08/2020

Date : 08/07/2020

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