

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.13359 of 2020

1.Ramesh

2.Selvi

... Petitioners

Vs.,

The State Rep. By

The Inspector of Police,

Dharmapuram Police Station,

Thiruppur District.

(Crime No.1867 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant anticipatory bail to the petitioners in the event of their arrest in Crime No.1867 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.N.Ponraj

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 the offences punishable under Sections 448, 294(b) and 506(ii) of IPC, in Crime No.1867 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on account of money dispute the petitioners came to defacto complainant's house and started to abuse him and threatened him that they will foist case under PCR Act. 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 due to the previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant due to money dispute, the petitioners abused and criminally intimidated and threatened to foist cases. He would further submit that there is no previous case pending against the petitioners and it is a case in counter and that the injured has been discharged from the hospital.

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 after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 shall report before the Inspector of Police, Dharapuram Police Station, Thiruppur District, daily at 10.30 a.m. and 5.30 p.m, until further orders and the petitioners shall not go near the house of the defacto complainant.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/09/2020

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION, DHARAPURAM,
TIRUPPUR DISTRICT.

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

CRL OP.13359/2020

Date :01/09/2020

GKS:21/09/2020

WEB COPY