

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.Nos.15181 of 2020

1.Paneer
2.Karthik
3.Pappaiyan
4.Thamayanthi ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur
(Crime No.2430 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.
to enlarge bail in the event of arrest in connection with Crime
No.2430 of 2020 pending on the file of respondent police.

For Petitioners : Mr. M. Jai Kumar

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 publishable under Sections 294
(b), 323, 352 & 506(i) IPC in Cr. No.2430 of 2020, on the file of
the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy
quarrel between the petitioners and the *de facto* complainant the
petitioners have abused the *defacto* complainant with filthy
language. 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 abused the *de facto* complainant with filthy language. He further submitted that there are no previous case against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact and there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, 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 Judicial Magistrate, Thiruthuraipoondi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10:30 until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/09/2020

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,
THIRUTHURAIPOONDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR.

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

CRL OP.15181/2020

Date :28/09/2020

MK:14/10/2020

सत्यमेव जयते
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