

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15360 of 2020

1. N.Loganathan
2. Nagappan

.. Petitioners

Vs.

The state represented by
The Inspector of Police,
Thirukalukundram Police Station,
Chengalpattu.

Crime No.261 of 2020.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.261 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Sugendran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **294 (b), 324, 506(ii) IPC r/w. 4 of Women Harassment Act in Crime No.261 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners attacked the defacto complainant and threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case due to previous enmity. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the victim has been discharged from the hospital and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail, in the event of their arrest or on their appearance, **within a period of fifteen days from the commencement of the Court's normal functioning**, before the **learned District Munsif cum Judicial Magistrate, Thirukazhukundram**, on condition that 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:

[b] 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 every Monday at 10.30 a.m. 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/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

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

-sd/-
29/09/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUKALUKUNDRAM POLICE STATION,
CHENGALPATTU.

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

CRL OP.15360/2020

Date :29/09/2020

MK:12/10/2020

सत्यमेव जयते

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