

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.15723 of 2020

1. Bavi Borthar @ Vijayan
2. Veeraiyan

... Petitioners

Vs.

The Inspector of Police
Sirkali Taluk,
Nagapattinam District
Crime No.1248 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 arrest in
Crime No.1248 of 2020 on the file of the respondent police.

For Petitioners : Mr.E. Parthiban

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

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
294(b) and 506(ii) of IPC in Crime No.1248 of 2020 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution as per defacto complainant is
that the petitioners along with other accused persons came to the
house of the defacto complainant and threatened the family members of
the defacto complainant with dire consequences and also abused them
with filthy language. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case. Hence, he prays for grant of anticipatory
bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the
petitioners assaulted the family members of the defacto complainant
and also threatened them with dire consequences. Hence, he opposed
for grant of 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 copy of this order made ready, the petitioners shall execute a separate 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 Judicial Magistrate, Sirkali 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 daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

06/10/2020

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,
SIRKALI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

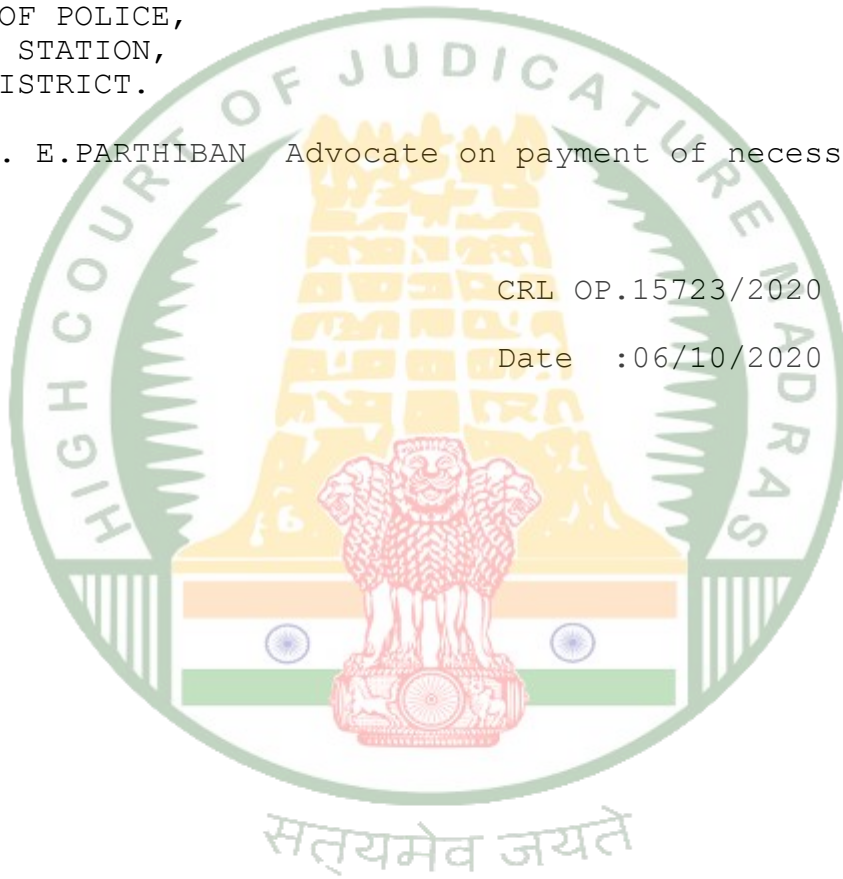
4 INSPECTOR OF POLICE,
SIRKALI POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.15723/2020

Date :06/10/2020

RVR 14/10/2020



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