

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16349 of 2020

1.Udayaprakash
2.Logesh Kumar
3.Silambarasan

... Petitioners

Vs.

State Rep by
Inspector of Police
Kanniyur Police Station
Tiruppur District
(Crime No.662 of 2020)

... Respondent

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.662 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Saranraj

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 alleged offences punishable under Sections 294(b), 323, 354, 341, 427 and 506(ii) IPC, in Crime No.662 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that due to election motive, there was a wordy quarrel between the petitioners and the defacto complainant during which, the petitioners abused and misbehaved with the defacto complainant and also damaged a two wheeler headlight mask. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to enmity. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to election motive, the petitioners abused and misbehaved with the defacto complainant and also caused damage to her two wheeler headlight mask to the tune of Rs.1000/-. He would further submit that there is a case in counter in Crime No.666 of 2020 and there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts of this case and the submissions made by the counsels and the fact that there is a counter case and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

a) 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 from the date on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Madathukulam, 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, on 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 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].

[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/-
14/10/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADATHUKULAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANNIYUR POLICE STATION,
TIRUPPUR DISTRICT.

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

CRL OP.16349/2020

Date: 14/10/2020

MK:22/10/2020

WEB COPY