

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.16558 of 2020

1. Thulasimani
2. A. Periyasamy
3.S. Sivalingam

... Petitioners

Vs.

The State represented by
The Inspector of police,
Anupparpalayam Police Station,
Crime No.2593 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.2593 of 2020 on the file of the respondent police.

For Petitioners : Mr.D. Gopal

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 offences publishable under Sections 294 (b), and 506 (i) of IPC in Crime No.2593 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that due to money dispute, there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners have assaulted the de facto complainant and threatened him with dire consequences. Hence the complaint.

3. The learned Counsel for the petitioners would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to money dispute the petitioners have assaulted the defacto complainant and also threatened him with dire consequences. He would further submit that there is no previous case as against the petitioners. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the 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 his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, 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 No III, Tiruppur, 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 police every day 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 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].

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

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

-sd/-
16/10/2020

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 NO.III,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR.

+1CC to Mr.D.Gopal Advocate on payment of necessary charges
SR NO.6976

CRL OP.16558/2020

Date :16/10/2020

MK:21/10/2020

WEB COPY