

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17643 of 2020

1.K.Pandian ... Petitioners
2.Rathnakumar

Vs.

The State rep. By ... Respondent
The Inspector of Police
Neyveli Town Police Station
Cuddalore District
(Crime No.1057 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.1057 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Selvam

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under **Section 147, 148, 294(b), 324, 336, 427, 506(ii) IPC read with Section 3 PPD Act**, in Crime No.1057 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Arokyamary Sipora is that due to family dispute, the accused trespassed into her house, abused in filthy language and also assaulted her with wooden log. Further, the accused have damaged the windscreen of the car and also damaged the motorcycle. 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. He would further submit that some of the co-accused

were arrested and subsequently, enlarged on bail. He would further submit that without prejudice to their contention, the petitioners are prepared to deposit a sum of Rs.10,000/- to the credit of crime number to show their bonafides. 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. He would further submit that the value of damages, has not been assessed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels and the fact that the injured 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 with certain conditions.

6. Accordingly, the petitioners are directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each**, to the credit of Crime No.1057 of 2020, **within a period of fifteen days from the date on which the order copy is made ready** and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **learned Judicial Magistrate, Neyveli**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 Magistrate concerned, 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 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 final order in respect of the said deposit, shall be passed by the learned Magistrate at the time of conclusion of trial.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/11/2020

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,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEYVELI TOWN POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S M.SELVAM Advocate on payment of necessary charges
SR.NO.7721

CRL OP.17643/2020

Date :20/11/2020

TA-11/12/2020

WEB COPY