

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17369 of 2020

1.Rajmohan

2.Nanthakumar

... Petitioners/Accused 2 & 3

Vs.

The State represented by,
The Inspector of Police,
Harithuvaramangalam Police Station,
Thiruvarur District.
[Crime No.405 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 405 of 2020, on the file of the respondent police.

For Petitioners : Mr.D.Prabhu

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 offence punishable under Sections 294(b), 448, 324, 427 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No. 405 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Bhuvaneswari, is that A1 in this case had sent abusive SMS to her daughter and when it was questioned by her, the petitioners along with A1 have abused her in filthy language and also assaulted her with wooden logs on the head. Thereby, the defacto complainant has sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case. He would submit that there is a case in counter in Crime No.406 of 2020 and that A1 in this case has been arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that A1 in this case had sent abusive SMS to the daughter of the defacto complainant and when it was questioned by the defacto complainant, the petitioners joined together and assaulted her with wooden logs on the head. He would submit that the injured has been discharged from the hospital and that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Needamangalam, on condition that each petitioner 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 every day 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/11/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEEDAMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HARITHUVARAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.D.PRABU Advocate on payment of necessary charges
Sr.7407

CRL OP.17369/2020

Date : 09/11/2020

RVR 20/11/2020

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