

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19433 of 2020

1.R.Arun @ Arul
2.M.Sivakumar
3.P.Suresh
4.T.Thennarasu

... Petitioners

Versus

State Rep.by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.1489 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1489 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Thangamani

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 294(b), 323, 324 and 506(i) of IPC, and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 in Crime No.1489 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's sister and A-1 are husband and wife. On 08.11.2020 at about 8.00 pm when the defacto complainant and his sister Uthirakumari, who is the wife of A-1, were standing in front of their house, A-1 and other accused proceeded in front of the house of the defacto complainant and the accused have used filthy words against the defacto complainant and his sister. Hence, a complaint was given.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submitted that they had never indulged such offence as alleged by the prosecution.

Hence, he prays for the grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that totally there are 5 accused in this case. The first accused and the defacto complainant's sister Uthirakumari are husband and wife. During a wordy quarrel, the accused have used filthy language towards the defacto complainant and his sister Uthirakumari. There is no previous case against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 was made ready, before the **Learned Judicial Magistrate, Uthangari**, 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 conditions 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 as and when required for interrogation.

[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.

-sd/-

10/12/2020

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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.K.THANGAMANI Advocate on payment of necessary charges SR.NO.8112

CRL OP.19433/2020

सत्यमेव जयते Date :10/12/2020

TA-22/12/2020

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