

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 20142 of 2020

1.Eswarasamy

2.Kaviya

...Petitioners/accused

Vs.

The State represented by,
The Inspector of Police,
Madathukulam Police Station,
Thiruppur District.

[Crime No.1343 of 2020]

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in connection with Crime No. 1343 of 2020, 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 offences punishable under Sections 353 and 506(ii) of IPC, in Crime No. 1343 of 2020, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners who are working as the President and vice-president. The petitioners had prevented the defacto complainant from discharging his duties and they locked him in his office. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and when the petitioners

questioned the defacto complainant regarding his illegal activities, the defacto complainant has lodged a false case against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant is the Municipal Commissioner and the petitioners are the President and Vice-President respectively. The petitioners had restrained the defacto complainant and they locked him in office and there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the petitioners have no previous cases pending against them, 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 her arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Munsif cum Judicial Magistrate, Madathukulam, 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., 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 petitioner 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/-
22/12/2020

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 MUNSIFF CUM JUDICIAL MAGISTRATE,
MADATHUKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADATHUKULAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S A.SARANRAJ Advocate on payment of necessary charges
SR.NO.8722

CRL OP.20142/2020

Date :22/12/2020

GKS:04/01/2021

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