

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20855 of 2020

1. Kaliammal  
2. Karthikeyan

.. Petitioners

Vs.

State by its  
Inspector of Police,  
Paramathy Velur Police Station,  
Paramathy Velur,  
Namakkal District.  
(Crime No.1587 of 2020)

.. Respondent

Prayer: Petition filed under Section 438 of Criminal Procedure Code, 1973, to enlarge the petitioners on bail in the event of their arrest in Crime No.1587 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.S.Charles

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 448, 427, 506(ii) of IPC in Crime No.1587 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3.It is seen from the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) that there is a civil dispute between the parties, due to which, the defacto complainant caused damages to the tune of Rs.200/-. Further, there is a Civil Suit in OS.No.81 of 2020 which is pending before the learned Sub-Judge, Paramathy, Namakkal District.

4. Considering the facts and circumstances of the case and that the investigation was also completed , this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

5. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate, Paramathy, Namakal District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 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/ Trial Court is entitled to take appropriate action against the petitioner 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.

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

-sd/-

30/12/2020

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,  
PARAMATHY, NAMAKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
PARAMATHY VELUR POLICE STATION,  
PARAMATHY VELUR, NAMAKKAL DISTRICT.

5 THE SUB JUDGE,  
PARAMATHY, NAMAKKAL DISTRICT.

CC to M/S. M.SARAVANAKUMAR Advocate on payment of necessary  
charges Sr.8776

CRL OP.20855/2020

Date :30/12/2020

RVR 06/01/2021