



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8764 of 2020

1. P.JEYAKUMAR
2. BRITTO @ SAMANTHA ... PETITIONERS/ACCUSED NO.1 & 4

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO. 237 OF 2020). ... RESPONDENT/COMPLAINANT

For Petitioners: Mr.A.Rajaram,
Advocate.
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 237 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 452, 427 and 506(ii) of IPC, in Criem No.237 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has fixed one CCTV camera in her house. On the date of occurrence, the petitioners and other accused persons said to have abused the defacto complainant by using filthy language and also caused damage to the camera with iron rod. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner. He further submitted that the second petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the second petitioner has been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that on the date of occurrence, the petitioners and other accused persons said to have abused the defacto complainant by using filthy language and also caused damage to the camera with iron rod. Hence, the crime has been registered against the petitioners.

6. In view of the submission made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner.

7. In so far as the second petitioner is concerned, there is no serious allegation against the second petitioner. Considering the above facts and circumstances of the case and also considering the rival submissions, I am inclined to grant anticipatory bail to the second petitioner with certain conditions.

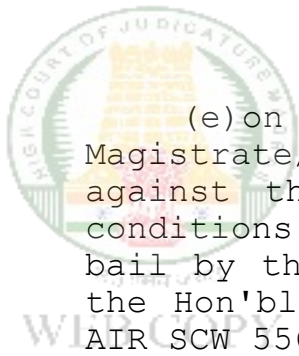
8. Accordingly, the second petitioner is ordered to be released on anticipatory bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Dindigul District, on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the second petitioner 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 second petitioner shall report before the respondent police as and when required for interrogation.

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]; and;

(f) if the accused/second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8764 of 2020
Date :25/08/2020

vsg
JM/VR/SAR 3/27.08.2020/3P/5C