



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

Date : 08/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9429 of 2020

1. GOWTHAM

2. KARTHICK RAJA

... PETITIONERS/ACCUSED - 1 & 2

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
B2, BAZAAR POLICE STATION,
RAMANATHAPURAM,

RAMANATHAPURAM DISTRICT.

IN CRIME NO. 431 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.T.Selvam,
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.431 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 427 and 506(ii) of IPC and Section 4 of TNWH Act, in Crime No.431 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 28.08.2020, at about 08.00 p.m, the petitioners along with some other persons said to have consumed liquor in front of the defacto complainant's shop. When the same was questioned by the defacto complainant's grandson and informed to the Police, at that time, the petitioner escaped. Thereafter, on the next day, the petitioners along with some other persons said to have entered into the defacto complainant's shop and abused the defacto complainant by using filthy language and attacked the defacto complainant and her grandson with hands and also criminally intimidated them and caused damage to the shop. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.



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 submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, they have been falsely implicated in this case. Hence, he seek for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioners and other accused were said to have consumed alcohol in front of the defacto complainant's shop. When the same was questioned by the defacto complainant and her grandson and informed to the Police, at that time, they escaped. On the next day, the petitioners and some other persons said to have abused the defacto complainant by using filthy language and attacked them and also criminally intimidated them. Hence, the crime has been registered against the petitioners.

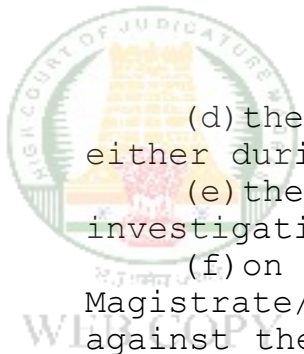
6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, the allegation against the petitioners is that he slapped the defacto complainant and caused damage to the shop, this Court is inclined to grant anticipatory bail to the petitioners with certain stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court-I, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 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) Each of the petitioners is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the defacto complainant through respondent police within a period of two weeks without prejudice to their rights and contentions, and get an acknowledgment for the receipt of money from the defacto complainant through respondent police and shall produce the same before the learned Judicial Magistrate;

(c) the petitioners shall report before the respondent police as and when required for interrogation.



(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]; and;

(g)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/09/2020

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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,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
B2, BAZAAR POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9429 of 2020

Date :08/09/2020

VSG

JM/JC/SAR IV/10.09.2020/3P/5C

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