



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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10049 of 2020

1. KUMARAPPAN
2. RAMACHANDRAN
3. MONOJKUMAR

... PETITIONERS/ACCUSED Nos.1 to 3

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME No.854 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Deenadhayalan,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.854 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 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 355 and 506(i) of I.P.C., in Crime No.854 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's wife said to have borrowed a sum of Rs.One Lakh from the first petitioner's father. Alleging that the de-facto complainant's wife repaid only a part of the amount, the petitioners said to have demanded money and threatened to execute a promissory note. At the time, there was a quarrel between the parties, in which, the petitioners said to have attacked the de-facto complainant and his wife and abused them with filthy language.

<https://hcc.mca.gov.in/home/index.html>



3.The learned counsel appearing for the petitioners would submit that this is case in counter. Earlier, the de-facto complainant attacked the first petitioner, in this regard, the first petitioner has given a complaint in Crime No.853 of 2020 before the respondent police against the de-facto complainant. Thereafter, the present complaint has been filed with false allegations against the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that this is a case in counter and the occurrence said to have taken place in a wordy quarrel, I am 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Athoor, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)the petitioners shall report before the respondent police 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]***; and;



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

sd/-
21/09/2020

WEB COPY

/ TRUE COPY /

/ /2020

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,
ATHOOR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL.
- 3 THE INSPECTOR OF POLICE
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10049 of 2020
Date :21/09/2020

SJI
JM/PN/SAR I/24.09.2020/3P/5C