

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.282 of 2021

1 RAJA
2 SEENUVASAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
THIRUPPAPULIYUR,
CUDDALORE DISTRICT.
CR.NO.1688 OF 2020

For Petitioner : M/S.V.JANARTHANAN Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

For Intervener : M/S.P.ANBAZHAGAN Advocate [IN CRL.MP.NO.1224/2021]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 447, 427, 420 and 506(i) of IPC in Cr.No.1688 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 04.09.2020, the first petitioner parked his car in the defacto complainant's vacant land. When the defacto complainant asked to remove the car in his place, the petitioner are refused to take the car and made wordy quarrel with the defacto complainant and abused him in filthy language. Based on the complainant given by the defacto complainant, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the petitioners are ready to take the car by today itself. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor submitted that if the petitioners are ready to take the car, he is no objection to grant bail to the petitioners.

5. The learned Additional Public Prosecutor has no objection to grant anticipatory bail to the petitioners.

6. Taking into consideration the facts and submissions of the learned Counsel that the petitioners are ready to remove the car from the space of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cuddalore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 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 Court concerned 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 daily 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 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
17/04/2021

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,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPPAPULIYUR,
CUDDALORE DISTRICT.

+1 CC to M/S.V.JANARTHANAN Advocate on payment of necessary charges SR.No.4973

+1 CC to M/S.P.ANBAZHAGAN Advocate on payment of necessary charges SR.No.5065

सत्यमेव जयते

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CRL OP.282/2021
Date :17/04/2021

cs 23/04/2021