

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1978 of 2021

1.Alamaelu
2.Kamala
3.Theerthamali
4.Rajagopal

... Petitioners

Vs.

State rep by,
The Sub Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.21 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to release the petitioner in the event of arrest in connection with the Crime No.21 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Kalyanaraman

For Respondent : Mr. S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 447, 427 and 506(ii) of I.P.C in Crime No.21 of 2020 on the file of the respondent police, seek anticipatory bail.

2. There are totally four accused in this case. The case of the prosecution is that due to civil dispute, the petitioners are said to have abused the de facto complainant with filthy language and caused damage to the CCTV belongs to the de facto complainant worth about Rs.40,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are in no way connected with the alleged offence. He would submit that have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to civil dispute, the petitioners abused the Rs.40,000/-. Hence, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor for respondent and perused the records.

6. Taking into consideration of the facts and circumstances and the fact that the occurrence had happened due to civil dispute, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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, Omalur, on condition that the petitioners shall execute a separate 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/02/2021

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. S.KALYANARAMAN Advocate on payment of necessary charges SR.NO.1350

WEB COPY

CRL OP.1978/2021

Date :09/02/2021

cs 17/02/2021