

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3736 of 2021

Vajjiramuni

... Petitioners/Accused

Vs.

The State Rep by
The Inspector of Police,
Thally Police Station,
Krishnagiri District
(Crime No. 25 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest, pending investigation in (Crime No. 25 of 2020) on the file of the respondent Police.

For Petitioner : Mr.E. Kannadasan

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324, 506(i) of IPC, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the defacto complainant and the petitioner. Due to which the petitioner had abused the defacto complainant with filthy language. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner was earlier granted anticipatory bail by the Principal Sessions Judge, Krishnagiri, Krishnagiri District in Crl.M.P.No.668 of 2020 dated 23.03.2020 with a condition to execute sureties. Due to Covid-19 the petitioner was not able to execute sureties within the stipulated time, hence, he has filed the present application. Hence, he prays for grant of anticipatory bail for the petitioners.

4.The learned Additional Public Prosecutor would submit that the the petitioners deliberately avoided to comply with the condition and seeking further time to execute sureties and filed this anticipatory bail application. Hence, he opposed to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also of the fact the the occurrence has taken place only due to wordy quarrel and it is seen from records that earlier the petitioner was granted anticipatory bail by the Principal Sessions Judge, Krishnagiri, Krishnagiri District in Crl.M.P.No.668 of 2020 dated 23.03.2020 with a condition to execute sureties and only due to Covid-19 the petitioner was not able to execute sureties, this Court is 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 fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Denkanikottai 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix thier 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 petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the 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].

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

With the above directions this Criminal Original petition is ordered.

-sd/-
25/02/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALLY POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

WEB COPY

CRL OP.3736/2021

Date :25/02/2021

MN-09/03/2021