IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4201 of 2021

1 SENTHIL SUSILA [PETITIONERS/ACCUSED]
2 KATHIRAVAN

Vs

STATE REP.BY ITS [RESPONDENT/COMPLAINANT]
INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.331 OF 2021.

For Petitioner : M/S.S.ARIVAZHAGAN Advocate

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

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 offences publishable under Sections 447, 353 of IPC, in Crime No.331 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as a watchman and the 1st petitioner was working as a Clerk in the same Judicial Magistrate Court, Thiruthuraipoondi. Further, the allegations is that the petitioners had slept in the Court Hall room at that time, the defacto complainant questioned them, the petitioners have prevented to discharge his duty. Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the 1st petitioner was working as a clerk and the second petitioner is the husband of 1st petitioner. He would further submit that on 17.02.2021 late hours, the second petitioner came to pick up the 1st petitioner at that time due to work pressure and tiredness both of them had slept in the Court Hall. He would further submit that there

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is no allegation is pending as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the defacto complainant was working as a watchman and the 1st petitioner was working as a Clerk in the same Judicial Magistrate Court, Thiruthuraipoondi. Further, the allegations is that the petitioners had slept in the Court Hall room at that time, the defacto complainant questioned them, the petitioners have prevented him from discharge his duty. He would further submit that there is no allegation is pending as against the petitioners.

5. Considering the facts and circumstances of the case, that the only allegation is both of them slept in the Court hall and no other allegation is pending as against the petitioners, 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 District Munsif cum Judicial Magistrate, Thiruthuraipoondi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioners and the sureties shall affix his 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].

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

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

-sd/-
04/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR NO. 2750

CRL OP.4201/2021

Date :04/03/2021

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