



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6222 of 2021

1 SIVAMANI
2 BARATH

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.21 OF 2021

[RESPONDENT]

For Petitioner : M/S. C.E.PRATAP Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

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), 448, 447, 427, 324, 506(ii) and 307 of IPC, in Crime No.21 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons had abused the defacto complainant in filthy language and trespassed his shop and attacked him with beer bottle and caused damaged to his shop and house and threatened him and due to the same, the defacto complainant was sustained injuries. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they are no way connected with the offence as alleged. He further submits that the petitioners without prejudice to their defence and contentions, are ready and willing to deposit any considerable amount to the credit of above crime number and, prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioners along with other accused persons had abused the defacto complainant in filthy language and trespassed his shop and attacked him with beer bottle and caused damaged to his shop and house and threatened him and due to the same, the defacto complainant was sustained injuries. He would further submit that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioners are ready and willing to deposit a sum of Rs.35,000/- to the credit of the above crime number within a period of two weeks from the date of receipt of a copy of this order. this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.35,000 to the credit of the crime number, which is subject matter of the present petition and on such payment being made, the petitioners shall be released on bail in the event of arrest or on their surrender before the learned Judicial Magistrate No.I, Nagapattinam and on further condition that each of the petitioner shall execute a 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, the petition for anticipatory bail shall stand dismissed 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 are directed to deposit a sum of Rs.35,000/- to the credit of Crime Number which is the subject matter of the present petition and thereafter, the defacto complainant is permitted to withdraw the amount. If the petitioner succeeds in the criminal case, the defacto complainant shall refund the amount to the petitioner.

(c) the final order in respect of the said deposit shall be decided by the learned trial judge at the conclusion of the trial.



(d) 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.

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(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

19/04/2021

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,
NO.1, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S. C.E.PRATAP Advocate on payment of necessary charges
SR.No.5055

CRL OP.6222/2021

Date :19/04/2021

cs 29/04/2021