

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6786 of 2021

1 P.DHARMARAJ
2 P.MARY

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.521 OF 2021.

[RESPONDENT]

For Petitioner : M/S. K.A.MARIAPPAN Advocate

For Respondent : MR.K.PRABAKAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(i) of IPC in Crime No.521 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with the father of the 1st petitioner and husband of the 2nd petitioner, viz., Palaniappan are said to have attacked the defacto complainant and threatened him with dire consequences and also abused in filthy language and caused simple injury. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners/A1 and A3 and the defacto complainant are the neighbours. It is further stated that they are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners herein are A1 and A3 and A2 was arrested. The petitioners along with Palaniappan attacked the defacto complainant with hands and wooden log and caused injury. He would further submit that the injured has been discharged from the hospital and that there is no bad antecedents against the petitioners.

5.Taking into consideration the nature of offence and the injured has been discharged from the hospital and also there is no bad antecedents 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 is made ready, before the learned Judicial Magistrate I, Namakkal, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent police daily at 10.30 a.m. and thereafter as and when required for interrogation and insofar as the 2nd petitioner is concerned, being lady, 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] 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/04/2021

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.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. K.A.MARIAPPAN Advocate on payment of necessary charges SR.NO. 4588

CRL OP.6786/2021

Date :08/04/2021

rvr 15/04/2021

WEB COPY