

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7161 of 2021

1 JAWAHAR BABU
2 PRAKASH
3 GOPALAN
4 SELVARAJAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
TIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.
CRIME.NO.475 OF 2021.

For Petitioner : M/S.N.PALANIVEL Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. 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), 323, 324 and 506(ii) of IPC in Crime No.475 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 31.03.2021 at about 22.00 hours, the petitioners abused the defacto complainant with unparliamentary words without any reasons. Due to which the petitioners said to have attacked the defacto complainant and thereby, she sustained injuries. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that they are neighbours, due to previous enmity, the defacto complainant lodged a false complaint against the petitioners. He further submitted that the third petitioner had lodged a complaint against the defacto complainant with the respondent police which has been registered in Crime No.476 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners abused the defacto complainant with unparliamentary words without any reasons. Due to which, the petitioners said to have attacked the defacto complainant and thereby, she sustained injuries. He would further submit that the injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruthuraipoondi on condition that each of 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 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 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.

(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 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;

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

-sd/-
17/04/2021

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,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.N.PALANIVEL Advocate on payment of necessary
charges SR NO.5123

CRL OP.7161/2021

Date :17/04/2021

MK:30/04/2021

WEB COPY