

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7340 of 2021

1 PERUMAL

[PETITIONERS / ACCUSED]

S/O. THANGARAJ

2 RAJA

3 THANGARAJ

4 PERUMAL

S/O.MUNISAMY GOUNDER

5 PRABAKARAN

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VANIYAMBADI POLICE STATION,
THIRUPATHUR DISTRICT.
CRIME NO.118 OF 2021.

For Petitioner : M/S. R.SASIKUMAR 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 offence punishable under Sections 143, 294 (b), 332, 506(ii) and 171 (E) of IPC altered into Section 147, 294 (b), 332, 506(ii) and 171(E) of IPC in Crime No.118 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 04.04.2021, the defacto complainant lodged a complaint before the respondent police stating that the defacto complainant and two other police official doing their routine checkup at that time, the petitioners have distributed notice and money to the voters, that was questioned by the defacto complainant, hence there is a wordy quarrel between the petitioner and the defacto complainant, as a result of which, the petitioners abused the defacto complainant with filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, the petitioners abused the defacto complainant with filthy language.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Judicial Magistrate, Vaniyambadi, 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, the petition for anticipatory bail shall stand dismissed and on further conditions 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and then 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.

-sd/-
20/04/2021

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI POLICE STATION,
THIRUPATHUR DISTRICT.

+1CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR NO.5107

CRL OP.7340/2021

Date : 20/04/2021

MK:22/04/2021

WEB COPY