

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.05.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9376 of 2021

1.Goutham @ Gouthaman
2.Vinoth @ Vinothkumar

.. Petitioners

Vs.

The State rep by,
The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
Crime No.148 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner / accused on bail in the event of their arrest in connection with Crime No.148 of 2021 on the file of the respondent police.

For Petitioners : Mr.Ilayaraja Kandasamy

For Respondent : Mr.J.C.Durairaj
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of respondent police for the offence punishable under **Section 436 of IPC**, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners would submit that a false complaint has been given against the petitioners and they have not committed any of the offence as alleged by the prosecution. Hence, the complaint.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose to grant anticipatory bail to the petitioners.

4. On perusal of F.I.R., it is seen that the occurrence took place on 02.02.2021 and it is stated that some one has set fire. However, it is specified in the petition that they are suspected because of the incident took place on 28.01.2021, but so far, there is no evidence except the motive alleged in the F.I.R. for connecting these petitioners to the crime. In these circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

5. This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the FIR.

6. The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of **Gurbaksh Singh Vs. State (AIR 1980 SC 1632)** and considering the fact that the custodial interrogation of the petitioners are not necessary and the fact that there is no apprehension that the **petitioners may abscond, the petitioners are granted anticipatory bail in the event of arrest or on their appearance, before the learned District Munsif-cum-Judicial Magistrate, Valangaiman., on condition that the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:**

[a] the petitioners shall make themselves available for interrogation by a police officer as and when required;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall appear before the Court below, whenever required.

[d] the petitioners 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.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

-sd/-
19/05/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN,

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.ILAYARAJA KANDASAMY Advocate on payment of necessary charges

CRL OP.9376/2021

Date :19/05/2021

TA-06/07/2021

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