

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9345 of 2021

1.M.Dinesh Kumar
2.M.Karthick

... Petitioners/Accused

Vs.

The State rep by its,
The Inspector of Police,
Kothagiri Police Station,
Main Bazaar, Nilgiris District.
(Crime No.Not Known of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail, in the event of their arrest in connection with Crime No.Not known of 2021, on the file of the respondent police.

For Petitioners : Mr.C.Arun Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 447 and 506(ii) of IPC, in Crime No.Not Known of 2021, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel appearing for the petitioners would submit that a false complaint has been given against the petitioners and they have not connected with the crime as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that now the CSR number has been assigned as CSR.No.171 of 2021. However, he opposed to grant anticipatory bail to the petitioners.

4.This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the material on record.

5.The Constitution Bench of the Supreme Court in the case of Gurbaksh Singh Vs. State of Punjab (AIR 1980 SC 1632), has explained the true scope of Section 438 Cr.P.C.,. Further, the Supreme Court has laid down the law regarding arrest of accused for the offences punishable below 7 years, in the case of Arnesh kumar Vs. State of Bihar (2014 8 SCC 273) and considering the fact that the custodial interrogation of the petitioners is 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 their arrest or on their appearance, before the learned Judicial Magistrate at Kotagiri, on condition that the petitioners shall execute their own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each 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 the 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.

[e] the petitioners shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

[f] the petitioners shall not tamper with evidence or witness 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].

[h] If the accused thereafter abscond, 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 JUDICIAL MAGISTRATE,
AT KOTAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTHAGIRI POLICE STATION,
MAIN BAZAAR,
NILGIRIS DISTRICT.

CC to M/S.C.ARUN KUMAR Advocate on payment of necessary charges

CRL OP.9345/2021

Date :19/05/2021

cs 07/07/2021

WEB COPY