

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2021

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.9420 of 2021

1.P.Vinayagamoorthy
2.S.Dharmaraj
3.V.Kaliraj

...Petitioners/
Accused rank not known

vs.

The State represented by
The Inspector of Police,
Moolanur Police Station,
Crime No.126 of 2021
Tiruppur District.

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No. 126 of 2021, on the file of the respondent police.

For Petitioners : Mr.V.Anandhamoorthy

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 147, 148, 448, 294(b), 506(ii) and 120(B) of IPC and Section 3(1) and 4 of TNPPDL Act, in Crime No.126 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel appearing for the petitioners would submit that as far as third petitioner is concerned, he is not pressing the application. He would further submit that a false complaint has been given against the other petitioners and they have not connected with the crime as alleged by the prosecution.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are four previous cases pending against the third petitioner. Hence, he vehemently 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. Recording the above said submission made by the learned counsel for the petitioners, this Criminal Original Petition stands dismissed as not pressed with regard to third petitioner.

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 1 & 2 is not necessary and the fact that there is no apprehension that the petitioners 1 & 2 may abscond, the petitioners 1 & 2 are granted anticipatory bail in the event of their arrest or on their appearance, before the Judicial Magistrate, Dharapuram, Tiruppur District, on condition that the petitioners 1 & 2 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 1 & 2 shall make themselves available for interrogation by the police officer as and when required;

[b] the petitioners 1 & 2 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 1 & 2 shall not leave India without the previous permission of the Court;

[d] the petitioners 1 & 2 shall appear before the Court below, whenever required.

[e] the petitioners 1 & 2 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 1 & 2 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 1 & 2 in accordance with law as if the conditions have been imposed and the petitioners 1 & 2 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/-

20/05/2021

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,
DHARAPURAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.V.ANANDHAMOORTHY Advocate on payment of necessary charges

WEB COPY

CRL OP.9420/2021

Date :20/05/2021

cs 06/07/2021