

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.OP.No.9577 of 2021

1. Dhanasekar
2. Lalitha

... Petitioners

Vs.

State rep.by
The Inspector of Police
Kolathur Police Station
Kolathur,
Salem District.
(Crime No.185 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.185 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Suresh Kumar

For Respondent : Mr.A.Damodaran
Government Advocate (Crl. side)

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(1) and 379 IPC, in Crime No.185 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners came to the house of the defacto complainant and scolded him with filthy language and the 1st petitioner attacked on the mouth of the defacto complainant and the 2nd petitioner threatened him with dire consequences by pulling his gold chain and hence the complaint.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners with false allegations and no such occurrence was taken place as alleged by the defacto complainant and further submitted that a case in court has also been filed by the petitioners in this regard.

The learned counsel for the petitioners further submitted that the Civil suit filed by the defacto complainant's brother is pending in O.S. No.193/2021 on the file of the District Court, Salem, and that the petitioners are ready to obey the conditions that may be imposed by this Hon'ble court and prays to grant Anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent would submit that the petitioners abused and assaulted the defacto complainant and that no previous case is pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the parties are related to each other and also there is a civil suit pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned **Judicial Magistrate No.I, Mettur Dam, Salem District**, on condition that each of 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 condition 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 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 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/05/2021

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,
NO.I, METTUR DAM, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
KOLATHUR,
SALEM DISTRICT.

+1 CC to M/S.P.SURESHKUMAR Advocate on payment of necessary charges SR.NO.6324

CRL OP.9577/2021

सत्यमेव जयते Date :26/05/2021

TA-23/06/2021

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