

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

Crl.O.P.No.9594 of 2021

1.B.Jagadeeshwaran
S/o.Late.Bhoopathy,
D.No.113, Bharathi Nagar,
1st Street, Chinnathirupathy,
Salem - 636 008.

2.R.Manikandan,
S/o.Rajan,
D.No.54A, Gokul Nagar, 2nd Cross,
Chinnathirupathy - 636 008.

3.Thennarasu,
S/o.Thangavel,
D.No.114, Ganthi Nagar,
Chinnathirupathy, Salem - 636 008.

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Kannankurichi Police Station,
Salem City.
Cr.No.161 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.161 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Sathish Kumar
For Respondent : Mr.A.Damodaran
Government Advocate
(Crl. side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 @ 506(ii) of IPC, in Crime No.393 of 2021 seek anticipatory bail.

2. The case of the prosecution is that due to political enmity, the petitioners attacked the defacto complainant and abusing with filthy language, resulting in the registration of the case.

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. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that there is no any offence as alleged against the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following 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.IV, Salem, on condition that the petitioners shall execute a 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 petitioner/s 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.

26.05.2021

Index: Yes/No

Internet: Yes/No

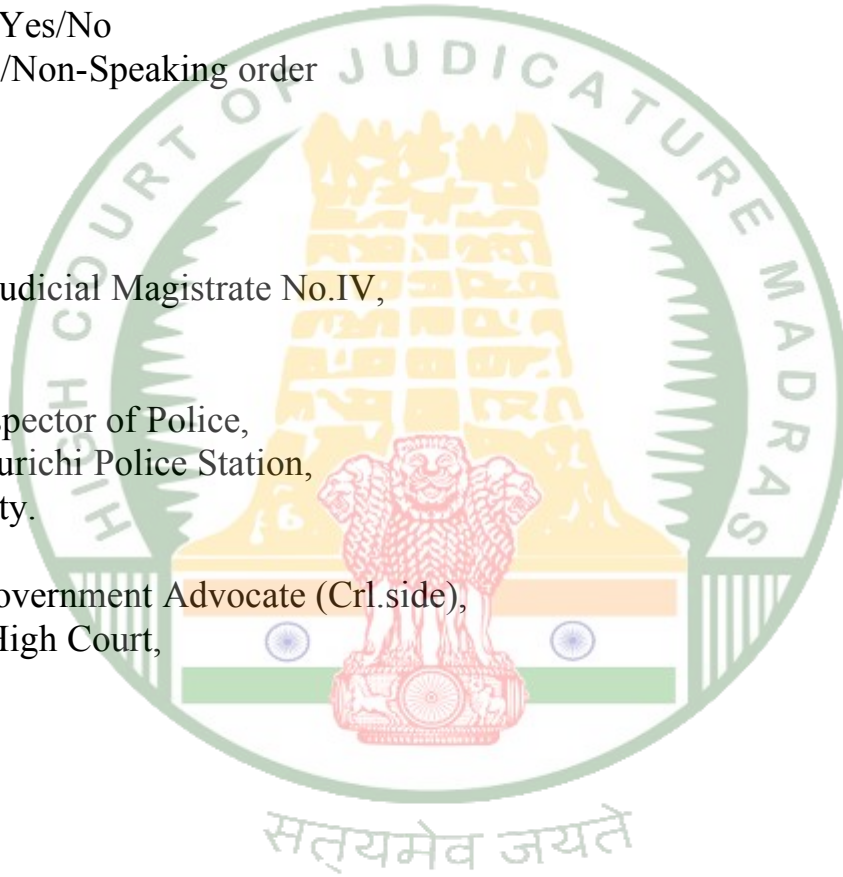
Speaking/Non-Speaking order
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To

1. The Judicial Magistrate No.IV,
Salem.

2.The Inspector of Police,
Kannankurichi Police Station,
Salem City.

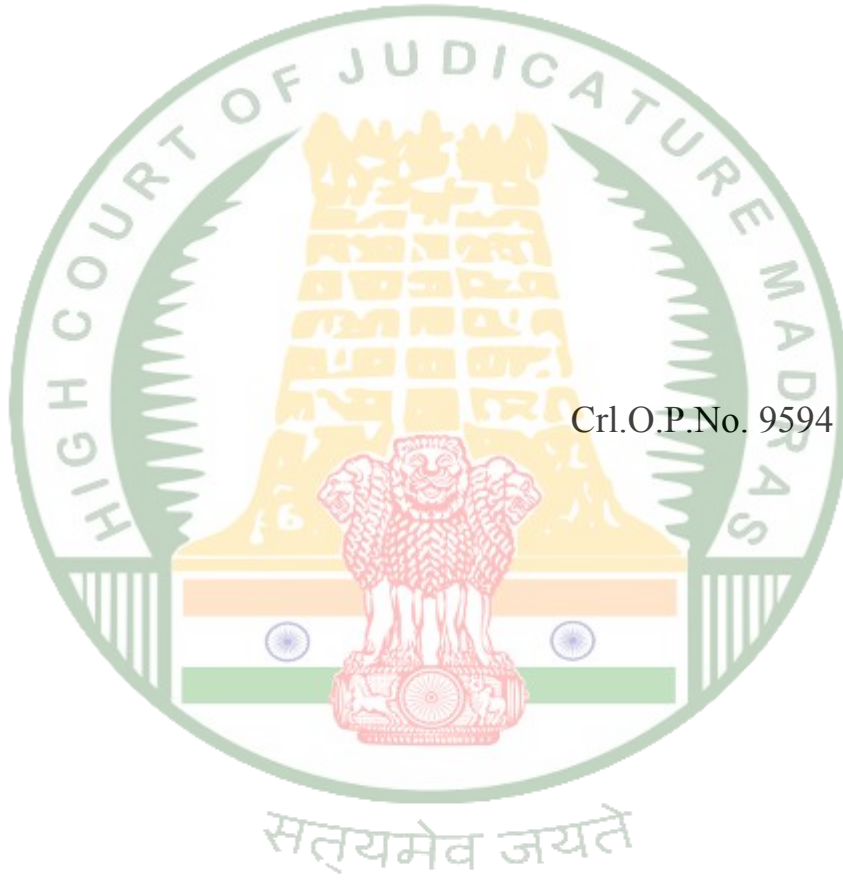
3. The Government Advocate (Crl.side),
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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