

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.9997 of 2021

1.Durkarav @ Durgarao
2.Venkatesan @ Venkadesh

... Petitioners

Vs.

State rep. by the
Inspector of Police,
Kuthalam Police Station
Mayiladuthurai District
(Crime No.499 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.499 of 2021 on the file of the respondent.

For Petitioners : Mr.J.Ranjithkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the alleged offences under Sections 294(b) and 506(ii) of IPC, in Crime No.499 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint to the respondent police on 29.05.2021 that one Rajendran along with the petitioners who are Accused 2 and 3 came to the house of the defacto complainant and demanded a sum of Rs.90,000/- According to the prosecution, since the defacto complainant refused to give the said sum, the accused abused the defacto complainant with filthy language and threatened her with dire consequences.

3. However, it is the case of the petitioners that they are innocent and no way connected with the alleged offence. It is also their case that they do not have any criminal antecedents.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police also submits that no injuries were sustained by the defacto complainant as a result of the verbal abuse made by the accused.

5. This Court after giving due consideration to the aforementioned factors, is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of 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 fifteen days from the date of lifting of lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Mayiladuthurai, on condition that the petitioners shall execute separate bonds 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 conditions 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 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/-
09/06/2021

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,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KUTHALAM POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.RANJITHKUMAR Advocate on payment of necessary charges

CRL OP.9997/2021

Date :09/06/2021

MK:12/07/2021

WEB COPY