

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10000 of 2021

1. Venkatesan @ Venkadesh
2. Durkarav @ Durgarao
3. Ajith @ Dinesh
4. Ravi
5. Ramachandran

... Petitioners

Vs.

State, rep. by
The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
(Crime No. 501 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 connection with Crime No. 501 of 2021 on the file of the respondent.

For Petitioners : Mr.J.Ranjith Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest by the respondent Police for the alleged offences punishable under Sections 147, 294(b), 324, 341, 354, 427 & 506(ii) of IPC, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant Ambika was assaulted by the petitioners as well as another co-accused and her house was also damaged. According to the prosecution, the accused used filthy language against the defacto complainant.

3. However, it is the case of the petitioners who are arrayed as A1, A2, A3, A5 and A6 that they are innocents and no way involved in the commission of the alleged offence.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would also submit that one of the petitioner namely 5th petitioner herein and the 6th accused in the FIR was earlier arrested and thereafter released on bail by this Court by order dated 08.06.2021 and as regards the petition filed by the 5th petitioner is concerned, it has become infructuous.

5. As seen from the FIR, the petitioners as well as the other accused have allegedly demanded a sum of Rs.90,000/- from the defacto complainant and also assaulted her and used filthy and abusive language against her.

6. The petition as regards the 5th petitioner is concerned has become infructuous in view of the fact that he was already arrested and released on bail on 08.06.2021.

7. After giving due consideration to the nature of offence alleged to have been committed by the accused and in view of the plea of innocence made by the petitioners 1 to 4, this Court is inclined to grant anticipatory bail to the petitioners 1 to 4 subject to the fulfilment of certain conditions.

8. Accordingly, the petitioners 1 to 4 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 lock down 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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks, from the date of lifting of lockdown 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/-

11/06/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.10000/2021

Date :11/06/2021

MK:12/07/2021