

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.10350 of 2021

1. Nesamani
2. Meganathan

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
Salem Town Police Station,
Salem District.
(Crime No.338 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.338 of 2021 pending on the file of the respondent police.

For Petitioners: Mr.B.Vasudevan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 341, 294(b), 195A, 354A, 506(2) of IPC in Cr.No.338 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant are husband and wife and they have got two children. Due to misunderstanding between the husband and wife, they lived separately. On 30.05.2021, the elder daughter made a call to her father/A1. But A2 received a call and scolded her in filthy language. Based on the complainant lodged by the defacto complainant, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent and they have not been committed any offence as alleged by the prosecution, since the petitioners are friends of A2. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that due to family dispute, the petitioners along with A2 scolded the defacto complainant and her children.

5. Considering the facts and circumstances of the case and also of the fact that there is no serious allegation as against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 receipt of a copy of this order, before the learned Judicial Magistrate-I, Salem, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 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 Court concerned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/06/2021

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-I,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION,
SALEM DISTRICT.

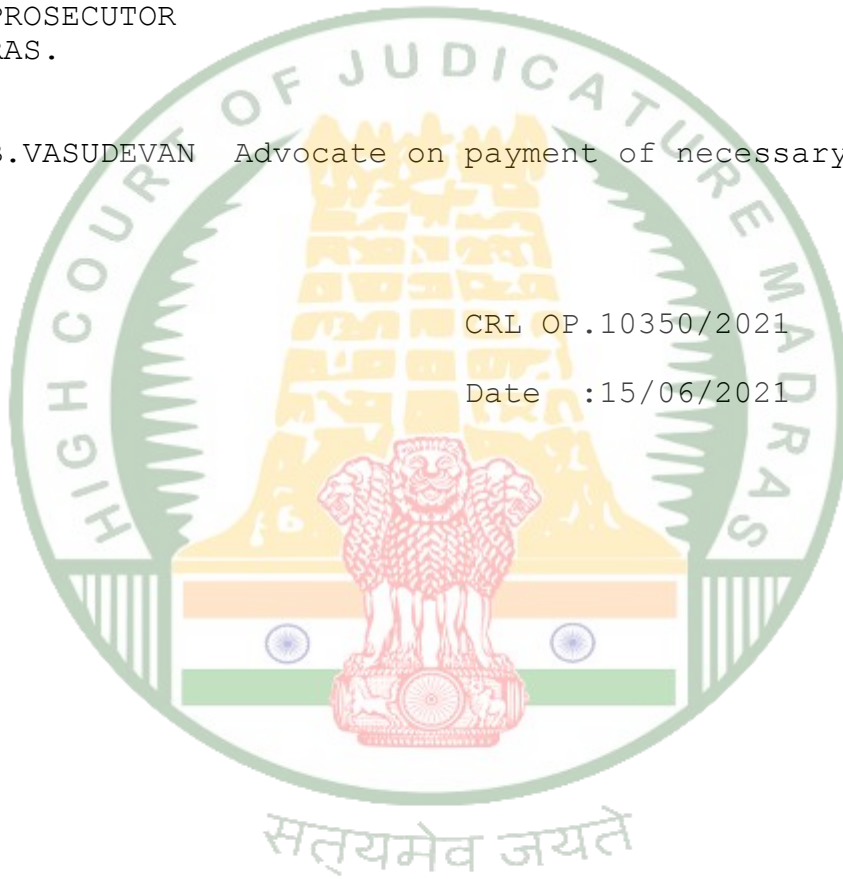
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.10350/2021

Date :15/06/2021

MN-29/06/2021



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