

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.10555 of 2021

1.Mathavan

2.Senthamichelvam

... Petitioners

Vs.

State Rep. By

The Inspector of Police,

Thirumanur Police Station,

Thirumanur,

Ariyalur District.

(Crime No.119 of 2021)

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 482 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.119 of 2021, on the file of the respondent.

For Petitioners : Mr.P.Mani

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 397 and 506(ii) IPC in Crime No.119 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Sub Inspector of Police. On 30.04.2021 at about 10 p.m., when the defacto complainant along with a Constable was on patrol, the petitioners were found sitting in a remote place. When it was questioned, they abused and assaulted the defacto complainant and when the defacto complainant attempted to record the occurrence, they snatched the cell phone and ran away from the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioners would submit that this is the second anticipatory bail petition and the earlier petition was dismissed on 13.05.2021. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) would submit that when the defacto complainant along with a Constable was on patrol, the

petitioners were found sitting in a remote place. When it was questioned, the petitioners abused and assaulted the defacto complainant and when the defacto complainant attempted to record the occurrence, they snatched the cell phone and ran away from the scene of occurrence. He further submitted that the property has not been recovered. Hence, he vehemently opposed for grant of anticipatory bail.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to surrender the mobile phone and also directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, to the credit of the Medical Officer, Ariyalur Government Hospital, Ariyalur District. On such deposit, 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 on which the order copy made ready, before the learned Judicial Magistrate-II, Ariyalur, on condition that the petitioners shall execute a 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, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

25.06.2021

Index :Yes/No
mpa

To

- 1.The Judicial Magistrate-II, Ariyalur.
2. The Inspector of Police,
Thirumanur Police Station,
Thirumanur,
Ariyalur District.
- 3.The Public Prosecutor, Madras High Court.



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S.KANNAMMAL.J,
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