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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10543 of 2021

1.Pandidurai
2.Jayaprakash

... Petitioners

Versus

State Rep. by
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Cr.No.175 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.175 of 2021 on the file of the respondent Police.

For Petitioners : Ms.R.Divya

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 429 and 506(ii) IPC in Cr.No.175 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between A1 and the defacto complainant, A1 along with the petitioners herein assaulted the cow which belongs to the defacto complainant and threatened him with dire consequences. The cow had died on the spot and hence the defacto complainant lodged a complaint against A1 and petitioners herein. Based on the complaint of the defacto complainant, the Law Enforcing Agency has registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready



and willing to pay compensation for a sum of Rs.25,000/- to the defacto complainant without prejudice to their rights.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition and submits that the petitioners have brutally assaulted the cow and it was worth about Rs.15,000/- and there are no previous cases pending against the petitioners .

5. Considering the nature of the case and based on the undertaking given by the petitioner to pay a sum of Rs.25,000/- in favour of the defacto complainant towards the loss of life of the Cow, I am inclined to grant bail to the petitioner.

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 No.II, Perambalur, 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 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 petitioner shall make a payment of Rs.25,000/- (Rupees Twenty Five only) in favour of the defacto complainant, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(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.

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-sd/-
17/06/2021

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.II,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S R.DIVYA Advocate on payment of necessary charges

CRL OP.10543/2021

Date :17/06/2021

MK:15/07/2021