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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11932 of 2021

Sekar

... Petitioner

Vs.

The State Represented by :-
The Inspector of Police,
Kannankurichi Police Station,
Salem District.
(Crime No.234 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.234 of 2021 pending on the file of the respondent police.

For petitioners: Mr.V.Sakkarapani

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 506(i) of IPC in Cr.No.234 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous dispute, the petitioner scolded the defacto complainant over phone in filthy language and threatened him. The respondent police have registered FIR based on complaint given by the defacto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and the petitioner is not committed any offence as alleged by the prosecution and he is no way connected in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (crl. side) appearing for the respondent submitted that the petitioner threatened the defacto complainant over phone.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel for both sides, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Salem, on condition that the petitioner shall execute a bond 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 and on further condition that:

(a) the petitioner 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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/-
12/07/2021

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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.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.11932/2021

Date :12/07/2021

CSK 26/07/2021