



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14074 of 2021

1 MANICKAM [PETITIONERS / ACCUSED]
2 DINESH @ LOKESHWARAN
3 MURUGAN

Vs

STATE REP BY [RESPONDENT]
THE SUB-INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.
(CRIME NO. 484 OF 2021)

For Petitioner : M/S.D.SHIVAKUMARAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

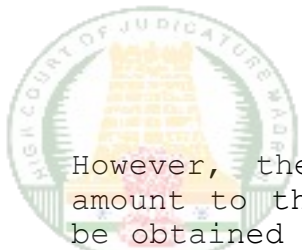
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341, 324, 427, 506(ii) and 379 IPC. in Crime No.484 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, as a result of which, the petitioners had entered into the house of the defacto complainant and damaged the household articles and taken cash of Rs.1,700/- Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.10,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant.



However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.10,000/- will be returned to them. Hence, they pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that no one was sustained injuries and there is no previous case pending as against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact no one was sustained injuries and there is no previous case pending as against the 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 Omalur, Salem Distict, on condition that each of 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.484 of 2021 before learned Judicial Magistrate Omalur, Salem Distict, within a period of two weeks from the date of receipt of a copy of this order .On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- deposited by the petitioners to the credit of Crime No.484 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)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;

(c)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.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-

17/08/2021

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUB-INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.SHIVAKUMARAN Advocate on payment of necessary charges SR.NO.8803

CRL OP.14074/2021

Date :17/08/2021

CSK 23/08/2021