



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

Wednesday, the Sixth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18220 of 2021

1 GANESAN
2 SAKTHIVEL

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.
CR NO.401/2021.

[RESPONDENT]

For Petitioner : M/S.P.PANDIYARAJ Advocate

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

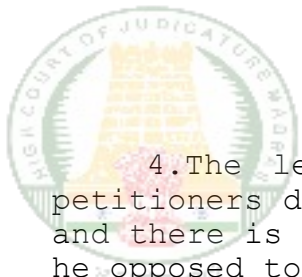
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b), 427, 323 and 506(ii) of IPC in Cr.No.401 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the accused A3's brother are working in a cucumber exporting company. Due to previous enmity, the petitioners went to the place where the de-facto complainant is working and attacked him and threatened the de-facto complainant with dire consequences and damaged some of the articles belonging to the de-facto complainant. Hence, the de-facto complainant lodged a complaint against the petitioners, based on which the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners are ready to deposit Rs.5,000/- (Rupees Five Thousand only) to the Crime No.401 of 2021 that may be disbursed in favour of the de-facto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl side) submits that the petitioners damaged the articles belonging to the de-facto complainant and there is one previous case pending against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioners to deposit the amount to the Crime No.401 of 2021 that may be disbursed in favour of the de-facto complainant, I am inclined to grant 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-II, Athur, Salem District, 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 shall make a deposit of Rs.5,000/-(Rupees Five Thousand only) to the credit of Crime No.401 of 2021 on the file of the respondent without prejudice to their defence before the trial Court and the said amount shall be disbursed in favour of the de-facto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(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.

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-sd/-
06/10/2021

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- II,
ATHUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.P.PANDIYARAJ Advocate on payment of necessary charges SR.NO.11071

CRL OP.18220/2021

Date :06/10/2021

INBA-25/10/2021