

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20007 of 2020

1.Pavayee ... Petitioners/ Accused
2.P.Latha
3.P.Sathishkumar
4.Vijayamohan @ Vijayakumar
5.V.Sripriya

Vs.

The State, represented by, ... Respondent/Complainant
The Inspector of Police,
Tiruchengode Town Police Station,
Tiruchengode, Namakkal District.
(Crime No.1568 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned with Crime No.1568 of 2020, on the file of the Inspector of Police, Tiruchengode Town Police Station, Tiruchengode, Namakkal District.

For Petitioners : Mr.C.Prakasam
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners were arrayed as A1 to A5 and they apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 447, 294(b), 427 and 506(i) of IPC, in Crime No.1568 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that it is a case in counter. Due to a wordy quarrel, the petitioners said to have tried to demolish the defacto complainant's house, and when the defacto complainant questioned the same, they abused the defacto complainant with filthy language. It is also stated that the defacto complainant herein had frequently quarreled with the petitioners with regard to possession and a similar type of case has been registered against him

by the respondent in Cr.No.1567 of 2020. In counter blast, the present case is registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.1567 of 2020. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there is a case in counter in Crime No.1527 of 2020 and there has been no previous case as against the petitioners.

5. Taking into consideration of the facts and circumstances of the case and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] 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, Tiruchengode, Namakkal District**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 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 appear before the respondent police 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/01/2021

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,
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUCHENGODE TOWN POLICE STATION,
TIRUCHENGODE, NAMAKKAL DISTRICT.

+1 CC to M/S C.PRAKASAM Advocate on payment of necessary charges SR.NO.238

CRL OP.20007/2020

Date :07/01/2021

TA-22/01/2021

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