

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20665 of 2020

1. Senthil @ Senthilkumar ... Petitioners
2. Dhanalakshmi
3. Jeevitha
4. Ganesan

Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Maannargudi Town Police Station,
Thiruvarur District.
(Crime No.3358 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in Crime No.3358 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr. Swamisubramanian

For Respondent : Mr.S. Karthikeyan
Addl.P.P

ORDER

(The case has been heard through video conference)

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 448, 294(b), 352, and 506(ii) of IPC, in Crime No.3358 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.12.2020, wordy quarrel arose between the petitioners and the defacto complainant, who are neighbours and the petitioners said to have pushed down the defacto complainant and criminally intimidated him. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioner submitted that the petitioners have not committed any offence as

alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that no one sustained injury in this case.

5. Taking into consideration the facts and circumstances of the case and considering the fact that no one sustained injury, 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 Judge, Judicial Magistrate No-I, Mannargudi, Thiruvarur** 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:

[b] 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.

[c] the petitioners shall appear before the respondent police 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]**.

[g] 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/-

05/01/2021

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 - I,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.20665/2020

Date :05/01/2021

MN-18/01/2021

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