

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20802 of 2020

1. Muthukumar

2. Rajkumar ... Petitioner/Accused No.1 and 2

-Vs-

State Rep. by

The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.

(Crime No.2055 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of their arrest by the respondent police concerned in Crime No.2055 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.S.N.Arun Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506 (ii) of IPC, in Crime No.2055 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The petitioners are the accused A1 and A2. The case of the prosecution is that the petitioners abused the defacto complainant with filthy language and intimidated with dire consequences. Hence, on the complaint lodged by the defacto complainant, a case was registered against the petitioners.

3.The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and the defacto complainant has lodged a false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the petitioners and the defacto complainant in respect of money transactions. The 2nd petitioner appeared to have lend the money to the defacto complainant. He would further submit that there are no previous case against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days, from the date on which the copy of this order is made ready, 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 Judicial Magistrate Court, Kangeyam, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/01/2021

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 COURT,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAKOIL POLICE STATION,
TIRUPPUR

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

CRL OP.20802/2020

Date :08/01/2021

MK:01/02/2021