

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20930 of 2020

1.M.Hari Prasath ...Petitioners  
2.C.Yogesh  
3.P.Manivel

Vs.

The State of Tamil Nadu ...Respondent  
Represented by  
Inspector of Police,  
Paramathi Police Station,  
Saragam Tiruchamgodu Road,  
Namakal District.  
(Crime No.890 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of arrest in Crime No. 890 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.Vimal Bobby Crimson

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

**ORDER**

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 447, 341, 294(b), 427 and 506(i) of IPC in Crime No.890 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners are working under the *de facto* complainant and that there was a dispute between them in respect of pending wages, due to which, the petitioners are alleged to have threatened the de facto complainant with dire consequences and also criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would submit that the petitioners are working under the de facto complainant and that there was a dispute

regarding pending wages, when the petitioners asked for wages, there was a wordy quarrel between them, due to which, the occurrence had taken place. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent would submit that due to pending wages, the petitioners threatened the *de facto* complainant with dire consequences and also criminally intimidated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and that the occurrence had taken place due to a wordy quarrel, 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-I, Namakkal, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 report before the respondent police as and required for the 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,  
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE,  
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PARAMATHI POLICE STATION,  
SARAGAM TIRUCHENGODU ROAD,  
NAMAKKAL DISTRICT.

+1 CC to M/S. M.VIMAL BOBBY CRIMSON Advocate on payment of  
necessary charges SR NO.165

CRL OP.20930/2020

Date :05/01/2021

MN-08/01/2021