



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21128 of 2021

M.Arumugam

... Petitioner

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
Cr.No.970 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.970 of 2021 on the file of the The Inspector of Police, Polur Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 324 and 307 of IPC, in Crime No.970 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant subscribed to the Diwali Chit conducted by one Mannar and one Ranjith (A1) was the collection executive of Mannar. The Accused/A1 came up for collection he demanded Rs.100.- more and the defacto complainant refused to give the money and had lodged a complaint against the petitioner on account of a money dispute. Thereby the petitioner abused the defacto complainant with filthy language resulting in the registration of the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against him. Therefore, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner along with the other accused abused the defacto complainant. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate's Court, Polur, Thiruvannamalai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter, every Wednesday for a period of four weeks and thereafter as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S S.B.VISWANATHAN Advocate on payment of necessary
charges SR.NO.12883

CRL OP.21128/2021

Date :17/11/2021

TA-19/11/2021