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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

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

Crl.O.P.Nos.21594 and 21598 of 2021

1.Arunkumar

...Petitioner
(in Crl.OP.No.21594/2021)

2.Navasudha

... Petitioner
(in Crl.OP.No.21598/2021)

Vs.

The Inspector of Police,
Madathkulam Police Station,
Tirupur District.
Crime No.547 of 2021

... Respondent
(in both Crl.OPs)

Common Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.547 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Senthilkumar
(in both Crl.OPs)

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
(in both Crl.OPs)

COMMON ORDER

The petitioners who apprehend arrest for the alleged offence under Sections 294 (b), 323, 427, 506 (ii) of IPC in Crime No.547 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is tha the defacto complainant went to the Arasan Consulting Office in order to borrow money from Mr.Selvam for his family petty expenses for which he was waiting in front of the said office. At that time, there was a wordy quarrel between Selvam and accused A1 and A2 along with 2 unnamed persons, the defacto complainant tried to solve the problem between them. Due to which, the petitioners abused the defacto complainant with filthy language and assaulted him, threatened him with dire consequences and



also caused injuries to him.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. side) submits that the injured has been discharged from the hospital. He further submits that there are no previous cases as against the petitioners. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact the injured has been discharged from the hospital and there are no previous cases as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Court, Madathukulam, Thiruppur on condition that each of the petitioners shall execute separate bonds 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 Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Friday at 10.30 a.m for a period of four weeks and thereafter 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]; and;



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

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-sd/-

18/11/2021

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,
MADATHUKULAM, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MADATHKULAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO. 547 OF 2021.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21594 & 21598/2021

Date :18/11/2021

APN 26/11/2021