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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

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

Cr1.O.P.No.22034 of 2021

1.Praveen
2.Vijay

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Cr.No.1389 of 2021.

... Respondent

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 Crime No.1389 of 2021 on the file of the Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District. .

For Petitioners : Mr.Swami Subramanian

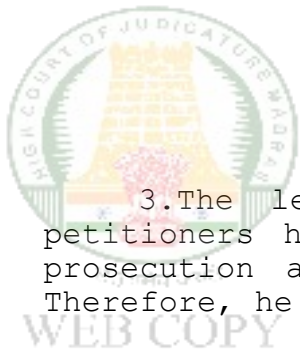
For Respondent : Mr.N.S.Suganthan

Government Advocate (Cr1. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294 (b), 323, 324, 307 of IPC in Crime No.1389 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to love affair between the defacto complainant and the daughter of the first accused in this case, the defacto complainant kidnapped the first accused daughter and hence, the first accused lodged the complaint before the respondent police and thereafter, they were traced out and for which, daughter of the first accused consumed poison, due to which, the petitioners assaulted the defacto complainant with Aruval and wooden log and scolded him with filthy language and threatened him with dire consequences and caused injuries to him. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that there are three previous cases as against the petitioner/A-7. He further submits that the investigation is almost completed. However, he vehemently opposed to grant 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 that investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioners on 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 Thiruthuraipoondi, Thiruvarur District, 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 Magistrate / Trial Court 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 Saturday 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/-
22/11/2021

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges SR.NO.13223

CRL OP.22034/2021

Date :22/11/2021

JPA 29/11/2021