



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23736 of 2021

1 M.KANNAPPAN
2 M.PARAMASIVAM

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
PENNAGARAM,
DHARMAPURI DISTRICT.
(CR.NO. 462/2021)

[RESPONDENT]

For Petitioner : M/S. R.THAMARAISELVAN Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The matter is listed under the caption for being mentioned at the instance of the learned counsel for the petitioners.

2. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 294(b) and 506(i) of IPC in Cr.No.462 of 2021 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the defacto complainant is an Advocate. On 20.10.2021, when the defacto complainant taking lunch along with his junior at Ganapathy Mess, Pennagaram, the petitioner herein were eating on the next table, picked up quarrel with the defacto complainant and abused him in filthy language. Hence, the defacto complainant lodged a complaint before the law enforcing agency.



4. Initially this Court had dismissed the anticipatory bail petition on 29.10.2021, on the contention that the offence charged against the petitioners was bailable. However, today when the matter came up for hearing, it is the submission made by the learned counsel appearing for the petitioners that inadvertently it has been wrongly mentioned as if the offence was bailable, whereas the offence charged against the petitioners is only non bailable.

5. On the above contention, this Court heard the learned Government Advocate (Crl.Side), who also fairly conceded that the submission made by the petitioner that the offence is non bailable in nature and further made a submission that the investigation is in preliminary stage.

6. Considering the above facts and further in view of the fact that the investigation is in preliminary stage, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.1, Dharmapuri, on condition that 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 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 daily at 10.30 a.m. until further orders;

(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.

This Criminal Original Petition is ordered accordingly.

WEB COPY

-sd/-

09/12/2021

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,
NO.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
PENNAGARAM, DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.THAMARAISELVAN Advocate on payment of necessary charges SR.NO.14463

CRL OP.23736/2021

Date :09/12/2021

CSK 23/12/2021