



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.23282 of 2021

1.K.Anbazhagan
2.P.Sakthivel
3.A.Vairamani
4.V.Gugan

.. Petitioners

Vs.

The Inspector of Police,
Nagoor Police Station,
Nagapattinam.
(Unknown Cr.No.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 by the respondent police in unknown Crime number, on the file of the respondent police for the alleged offence under Sections 294(b), 353, 506(ii) of IPC.

For Petitioner : Mr.G.Ilamurugu

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 353 and 506(ii) of IPC in unknown crime number and later it was altered into Section 294 (b), 353, and 506(i) in crime No. 917 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant who is working as a Superintendent, Backward class and Minority welfare office, Nagapattinam. As per the direction issued by the Hon'ble High Court vide order dated 06.09.2021 in WP.No.17396 of 2021, the defacto complainant called the first petitioner for an enquiry. On that day, the petitioners along with other persons came to the office of the defacto complainant made a quarrel with the defacto complainant and her colleagues and given a life threat to them and abused them with filthy languages. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that first petitioner is a milk vendor, he served the milk and other milk products to the Government Higher Secondary School, Backward Community Students Hostel till 2017 and the Hostel Warden by name Vairvamoorthy made payments upto the year 2010. Thereafter, the warden of the hostel did not make any payment from April 2010 to February 2018 towards the purchase of milk products to the tune of Rs. 2,91,424.25/-. He further submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl side) that no one sustained any injury. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that no one sustained any injury, this Court is inclined to grant anticipatory bail to the petitioners.

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 - II, Nagapattinam, 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 on every Tuesday and Sunday 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 has been imposed and the petitioners are 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];



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

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-sd/-

06/12/2021

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-II,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges SR.NO.14257

CRL OP.23282/2021

Date :06/12/2021

CSK 16/12/2021