



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24841 of 2021

1.Siva Sankar
2.J.Dinesh

...Petitioners

Versus

The State represented by
The Inspector of Police,
Erode Taluk Police Station,
Erode District.
(Crime No.583 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.583 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 448, 294 (b), 323, 324, 506(ii) of IPC in Crime No.583 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant is working as a water packet vendor to the TASMAL Brandy shop No.3536 and on 05.12.2021 in the night, after the shop is closed the defacto complainant came to the bar to check the accounts and at that time the petitioners along with two others trespassed into the shop by jumping over the wall and asked for Brandy bottle and when the defacto complainant told that the shop is closed and hence he cannot sell the brandy and moreover after the shop is closed how they came inside at that time the petitioners along with two others abused the defacto complainant in filthy language and assaulted the defacto complainant with hands and leg and on hearing the scream of defacto complainant, others came to rescue and the



petitioners and others threatened the defacto complainant and ran away. Hence the complaint.

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

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the co-accused already released on bail and there is some wordy quarrel. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the **learned Judicial Magistrate No.1, Erode**, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the **credit of the Registered Advocate Clerk Association, Erode District** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners are directed to report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] 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 anticipatory 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/12/2021

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, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERODE TALUK POLICE STATION,
ERODE DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
ERODE DISTRICT.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.24841/2021

Date :20/12/2021

TA-03/01/2022