



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25449 of 2021

WEB COPY

1. S.Aravind
2. R.Thiyagarajan
3. Surya
4. Anbarasu

... Petitioners

Versus

State Rep by
The Sub-Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No.804 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.804 of 2021 pending investigation on the file of the respondent police.

For Petitioners: M/S.G.Karthikeyan

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

Order

The petitioners, who apprehends arrest for the alleged offences under Section 294(b), 341, 323, 506(i) of IPC in Cr.No.804 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant along with the members of Kundadam Church returning to their car, after wishing Christmas to the families residing at Udayanarpalayam Village, the petitioners waylaid the defacto complainant and threatened them and abused them in filthy language. Hence, the complaint.

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



4. The learned Government Advocate (Crl.side) submits that there was wordy quarrel between the parties and in the said quarrel, the petitioners are alleged to have abused the defacto complainant in filthy language along with the persons who came with him and assaulted them. He further submits that there are no previous cases pending against the petitioners. However, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there was wordy quarrel between the parties, 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, Dharapuram, 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 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 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]; and;



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

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-sd/-
23/12/2021

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE SUB - INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. G.KARTHIKEYAN Advocate on payment of necessary charges Sr.15459

CRL OP.25449/2021

Date :23/12/2021

RVR 04/01/2022