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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.870 of 2022

1.Dharani
2.Ananthi
3.Sugan

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
(Crime No.4 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.4 of 2022 on the file of the respondent police.

For Petitioners: M/s.D.Bharathy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offences under Section 294(b), 355, 323, 506 (i) of IPC 1860 in Cr.No.4 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the Assistant Branch Post Master. While serving the RPAD to the defacto complainant, a wordy quarrel occurred between the 1st petitioner and the defacto complainant. The 1st petitioner has called the other petitioners and all of them attacked the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any such offences as alleged by the prosecution and they have been falsely implicated in this case.



He further submits that 1st petitioner is in Central Government Service and as such she will not abscond. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor raised objections and stated that the 1st petitioner is the relative of the 2nd and the 3rd petitioners. He further submits that at the instigation of the 1st petitioner, A3 and A4 attacked the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both the counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate, Kunnam, Perambalur District** 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 conditions 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 Wednesday at 10.30 a.m for a period of four weeks and thereafter, as and when required for an 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 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/-
12/01/2022

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,
KUNNAM, PERAMBALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.

+1 CC to M/S D.BHARATHY Advocate on payment of necessary charges SR.NO.835

CRL OP.870/2022

Date :12/01/2022

TA-21/01/2022