



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

CrI.O.P.No.1007 of 2022

1. Raja
2. R.Maheswari
3. R.Ashwin Kumar

...Petitioners

Vs.

State rep by
The Inspector of Police,
Selaiyur Police Station,
St.Thomas Mount
(Crime No.42/2020)

... 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 in connection with Crime No.42 of 2020, on the file of the respondent Police.

For Petitioners : M/s.K.Nivesh Kumar

For Respondent : Mr.Gokulakrishnan
Additional Public Prosecutor (CrI.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 147, 294(b), 506(i) of IPC in Cr.No.42 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 26.05.2019, the petitioners along with others went to the defacto complainant's house, knocked the door by calling his wife's name and asked the defacto complainant to come out. It is further alleged that the petitioner and other accused persons abused the defacto complainant's wife with filthy language, threatened and assaulted the defacto complainant with dire consequences by using unparliamentary words. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such 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 Additional Public Prosecutor (Crl side) on instructions submits that the investigation was completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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-I, Tambaram, on condition that the petitioners shall execute separate bonds 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Wednesday at 10 a.m., for a period of eight 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 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.

-sd/-
20/01/2022

WEB COPY

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 I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
ST. THOMAS MOUNT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.J.MAHESH Advocate on payment of necessary charges
SR.NO.903

CRL OP.1007/2022

Date :20/01/2022

INBA~28/01/2022