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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.1274 of 2022

1.Venkatesh
2.Maragatham
3.Mani

.. Petitioners

Vs.

The State represented by
The Inspector of Police,
Vellithiruppur Police Station,
Erode District.
(Crime No.03 of 2022)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on Anticipatory Bail in the event of their arrest in Cr.No.03 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Sasindran

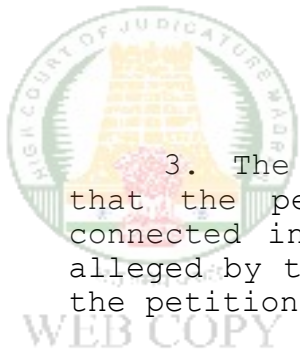
For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.03 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that the petitioners have blocked the path which leads to her agriculture land by stone, when she asked about the same, the petitioners have attacked and scolded him in a filthy language and threatened her with dire consequences.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they were no way connected in this case and they have not committed any offences as alleged by the prosecution. He pray for grant of anticipatory bail to the petitioners.

4. The Additional Public Prosecutor raised objection stating that there was a wordy quarrel between them and the petitioners have assaulted and abused the defacto complainant in filthy languages and that there is a case in counter and he further submitted that the investigation was almost completed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioner 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Bhavani, 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 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 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]; and;



[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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-sd/-

21/01/2022

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,
NO.II, BHAVANI, ERODE DISTRICT.

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

3 THE INSPECTOR OF POLICE,
VELLITHIRUPUR POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.SASINDRAN Advocate on payment of necessary charges SR.NO.976

CRL OP.1274/2022

Date :21/01/2022

RW 31/01/2022