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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1370 of 2022

1.R.Santhoshkumar ...Petitioners
2.Abisek
3.Mahesh @ Mahendran
4.Thenarasu

Versus

State represented by ...Respondent
The Inspector of Police,
Eravanchery Police Station,
Thiruvarur District.
(Crime No.761 of 2020)

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of apprehension of arrest in S.C.No.72 of 2021 pending on the file of the Learned Principal District Judge, Thiruvarur.

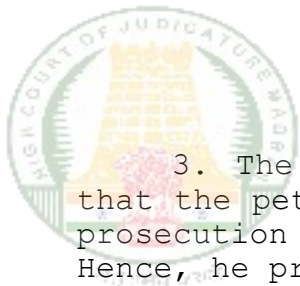
For Petitioners : Mr.P.Muthamizhselvakumar

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 341, 302, 120(B) r/w 34 of IPC 1860 in Crime No.761 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the respondent had completed the investigation and file the final report before the learned District Munsif cum Judicial Magistrate Court, Nanilam and the same was taken on the file of PRC and thereafter the committal proceedings were over. After the committal proceedings the case was taken by the learned Principal District Judge, Thiruvarur District and the same was taken on the file of S.C.No.72 of 20221 and the same was pending. 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 Additional Public Prosecutor appearing for the respondent submitted that the petitioners are having some of the previous cases and NBW was issued. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, NBW was issued, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Principal District Judge, Thiruvavarur**, 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 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;

(b) the petitioners shall appear before the **Principal District Court, Thiruvavarur on every Tuesday apart from the Court hearings without fail ;**

(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/-
27/01/2022

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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 PRINCIPAL DISTRICT JUDGE,
THIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.1370/2022

Date :27/01/2022

TA-07/02/2022