



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1620 of 2022

1.Praveena
2.Rajiv Gandhi
3.Prem

...Petitioners

Versus

State represented by
The Inspector of Police,
Vaitheeswarankoil Police Station,
Mayiladuthurai District.
(Crime No.612 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.612 of 2021 on the file of the respondent police.

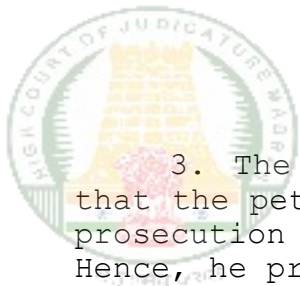
For Petitioners : Mr.J.Jawahar

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 323, 435, 427 and 506(1) of IPC in Crime No.612 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 13.09.2021 the defacto complainant misdialled the A1 phone number instead of his friend, since the call was mistaken the defacto complainant had apologized for his mistake. Subsequently the A1 along with three others approached and hit the defacto complainant and threatened him. Later the defacto complainant had left to his friend's house, A4 accompanied by another approached the defacto complainants house and damaged his ACTIVA bike worth 40,000/- and simultaneously burnt it. 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 1st accused along with three others approached and hit the defacto complainant and threatened him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 Judicial Magistrate, Sirkazhi**, 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 petitioners is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of the Crime No.612 of 2021 and the victim is permitted to withdraw within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners and 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.

[c] the petitioners 2 and 3 are directed to report before the respondent police on every Saturday at 10.30 a.m., until further orders and the 1st petitioner is directed to report before the respondent police as and when requires for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[f] 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]**.

-sd/-
27/01/2022

TRUE COPY

TO

4 THE INSPECTOR OF POLICE,
VAITHEESWARANKOIL POLICE STATION,
MAYILADUTHURAI DISTRICT.