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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Crl.O.P.No.1640 of 2022

1. P. Sakthivel
2. S. Guru Dinesh
3. S. Karthikeyan ... Petitioners

Vs.

State represented by
The Station House Officer,
Kodavasal Police Station,
Tiruvarur District.
(Crime No.25 of 2022) ... 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 respect of Crime No.25 of 2022, on the file of the respondent Police, pending investigation.

For Petitioners : Mr.P.Muthumizh Selvakumar

For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 324, 352, 506(ii) of IPC in Cr.No.25 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, there was a wordy quarrel between the petitioners and the defacto complainant regarding property issues, due to which, the petitioners abused the defacto complainant in filthy language, assaulted him with deadly weapons, threatened him with dire consequences and caused injuries on him. 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. He further submits that there was a case in counter. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl side) on instructions submits that the injured had sustained simple injury. However, 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 injured had sustained simple injury , 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, Tiruvarur, Tiruvarur District 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 Tuesday at 10 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 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;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVARUR, TIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
KODAVASAL POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1640/2022

Date :27/01/2022

MK:04/02/2022

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