



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

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CORAM:

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

Cr1.O.P.No.25822 of 2021

1.Mohan
2.Asokan
3.Gunasekaran

...Petitioners

Vs.

The State Rep. By
Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.
(Crime No.1660 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No.1660 of 2021 pending on the file of the respondent Police.

For Petitioners: Mr.Swamisubramanian

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 324, 506(ii) of IPC in Cr.No.1660 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, there was a dispute between the petitioners and the defacto complainant regarding previous enmity, due to which, the petitioners abused the defacto complainant in filthy language, assaulted her with stick, threatened her with dire consequences and caused injuries on her. 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. However, on instructions, he submits that the petitioners



without prejudice to their rights, on their own volition, are ready to deposit a sum **Rs.15,000/-** to the credit of Crime No.1660 of 2021. 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 only simple injury and taken treatment as outpatient. He further submits that there is no previous case as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and the injured had sustained only simple injury and taken treatment as outpatient and the petitioners are ready to deposit a sum Rs.15,000/- to the credit of Crime No.1660 of 2021, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.1660 of 2021, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate No.I, Mannargudi**, 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 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.1660 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the **defacto complainant** is permitted to withdraw the said deposit amount of Rs.15,000/- on proper identification and acknowledgment;

(b) 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;

(c) **the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation;**



(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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 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.

-sd/-

03/01/2022

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.I, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.25822/2021

Date :03/01/2022

TA-07/01/2022