

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P No.9762 of 2020

1.Chinnadurai
2.Praveen Bharathi
3.Renuka @ Renuka Devi

.. Petitioners

vs.

The Inspector of Police,
Negamam Police Station,
Coimbatore District.
(Cr. No. 918/2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, praying to enlarge the petitioners on bail in the event of their arrest in Cr. No. 918 of 2020, on the file of respondent Police.

For Petitioner : Mr. E.Raj Thilak

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 506(1) of IPC in Crime No.918 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant along with three others went to the petitioner's residence in search of the first petitioner's son one Keerthi Anand who had been involved in another case in Crime No. 946 of 2020 under Sections 153, 505(1)(b) and it is alleged that the petitioners herein had not permitted the de facto complaint and others to enter into their premises by pushing them out of their premises and abused the de facto complainant in filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have given counter complaint for the occurrence in Crime No. 919 of 2020 before the respondent Police for offences under Section 448 and 323 of IPC and further submitted that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to

4. Learned Additional Public Prosecutor would submit that the petitioners abused the de facto complainant in filthy language and prevented him in performing his duty. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is of the opinion that the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) each as non refundable deposit to the credit of the the Chief Minister Public Relief Fund, Tamil Nadu, without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) each as non refundable deposit to the credit of the Chief Minister Public Relief Fund, Tamil Nadu, within a period of fifteen days from the date on which the order copy made ready 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-II, Pollachi, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which, one surety shall be a blood related surety, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of the Chief Minister Public Relief Fund, Tamil Nadu, and shall produce the said receipt before the Court below.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

30/06/2020

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, POLLACHI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NEGAMAM POLICE STATION,
COIMBATORE DISTRICT.

4 THE SECRETARY TO GOVT.,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST.GEORGE, CHENNAI-600 009.
TAMIL NADU.

CC to M/S E.RAJ THILAK Advocate on payment of necessary charges

CRL OP.9762/2020

Date :30/06/2020

cs 23/07/2020