

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.3006 of 2020

1 PERUMAL
2 KAVERI

[PETITIONERS / ACCUSED]

Vs

[*]STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUVENNAIALLUR POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.683 OF 2019)

For Petitioner : M/S. S.NEDUNCHEZHIAN Advocate

For Respondent : M/S.S.THANKIRA Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A5 and A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 342, 323, 324, 506(ii), 307 and 302 of IPC, in Crime No.683 of 2019, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the victim of the offence, went to the house of his wife to bring back her, some wordy altercation arises, consequent to which, the accused persons, who are all maternal uncles of the wife of the victim have constituted themselves, unlawfully assembled and inflicted fatal injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been nothing to do with the alleged offence by the prosecution. He further submitted that A1 and A2 have arrested and granted bail by the Session Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent police.

5. Taking into consideration 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 ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court-ii, Ulundurpet, on condition that each of the petitioner shall execute a separate 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 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] the petitioners shall report before the respondent police, twice in day daily at 10.30 a.m., and 05.30 p.m., for a period of one week and thereafter, once in day, daily at 10.30 a.m., until further orders.

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/02/2020

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.

[*]Amended time granted by this court to comply with the conditions imposed vide order dated 21.02.2020 in Crl.OP.NO.3006 of 2020 is extended for a period of two weeks from the date of receipt of a copy of this order, as per the order of this court dated 20.03.2020 made in CRL.MP.NO.3391/2020 IN CRL.OP.NO.3006 OF 2020.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

[*]4 THE INSPECTOR OF POLICE,
THIRUVENNAIALLUR POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S. S.NEDUNCHEZHIAN Advocate on payment of necessary charges SR.No.5612

CRL OP.3006/2020

Date :21/02/2020

cs 28/02/2020
RD 02/06/2020



WEB COPY