

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5012 of 2020

1 ARAVINTH @ AJITH KUMAR

[PETITIONERS / ACCUSED]

2 AJAY

3 DEVARAJAN

4 SIVADOSS

5 KAMARAJ

6 SARABOJI

7 SARANRAJ

8 ARAVINTH @ ARAVINDHSAMI

9 VIGNESH

10 NATARAJ

Vs

[RESPONDENT]

STATE REP BY

THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT
CRIME NO.36/2020.

For Petitioner : M/S.M.P.YUVARAJ Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC, in Crime No.36 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a previous dispute between the petitioners and the de-facto complainant, as a result of which, the petitioners have attacked the defacto complainant with stick and Aruval and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that on 29.01.2020 there was a wordy quarrel between the petitioners and the defacto complainant. He would further submit that the petitioners are innocent persons and they have been falsely

implicated in this case. He would further submit that the case in counter case in Crime No.35 of 2020 registered by the respondent police. Hence, he prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a previous dispute between the petitioners and the de-facto complainant, as a result of which, the petitioners have attacked the de-facto complainant with stick and Aruval and caused injuries. He would further submit that the victim has been discharged from the hospital.

5. Taking into consideration of 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 No.II, Mannargudi, Thiruvavarur District, 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 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police, 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/-
13/03/2020

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,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

+1CC to M/S.M.P.YUVARAJ Advocate on payment of necessary charges SR NO.5016

CRL OP.5012/2020

सत्यमेव जयते Date :13/03/2020

MK:20/03/2020

WEB COPY