

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5501 of 2020

1 RAMACHANDRAN @ NONGU SURESH [PETITIONERS / ACCUSED]
2 R.PARTHIBAN
3 V.AANDI

Vs

THE STATE OF TAMILNADU THROUGH, [RESPONDENT]
THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.614/2019.

For Petitioner : M/S. DEEPANUDAY 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/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294(b), 341, 324 and 506(ii), 147 and 307 of IPC in Crime No.614 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the A1 had a dispute with one Balaji regarding auction of coconuts belonging to a certain temple. When the accused persons picked up altercation with Balaji, the defacto complainant intercepted to pacify both the parties, at that time, A1 along with other accused persons attacked him indiscriminately with wooden log and caused head injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that co-accused have been granted anticipatory bail by this Court in CrI.O.P.No.2055 of 2020 dated 03.0.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the victim was discharged from the hospital after taking treatment for one month and that there are 5 previous cases against the 1st petitioner and 1 previous case against the 2nd and 3rd petitioners.

Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioners submitted out of five cases, in four cases the 1st petitioner has been acquitted and that the earlier case in which, A3 is said to have involved is compromised and settled between the parties.

6. Taking into account the previous antecedents of the 1st and 2nd petitioners, this Court is not inclined to grant anticipatory bail. Accordingly, the petition is dismissed insofar as the 1st and 2nd petitioners are concerned.

7. Taking into consideration the facts and submissions of the learned counsel for the petitioner, this Court deems it appropriate to grant anticipatory bail to the 3rd petitioner subject to the following conditions;

8. Accordingly, the 3rd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Paramathi, Namakkal District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with 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 petitioner 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 3rd petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioner 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 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].

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

-sd/-
12/03/2020

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,
PARAMATHI, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. DEEPANUDAY Advocate on payment of necessary charges
Sr.4922

CRL OP.5501/2020

Date :12/03/2020

RVR 24/03/2020

WEB COPY