

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.5778 of 2020

1 PRATHAP
2 SIVAGURU
3 SETTU

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE.
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.
(CR. NO.86 OF 2020)

[RESPONDENT]

For Petitioner : M/S. D.PRABU 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 :-

1 The Petitioners herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC, in Cr.No.86 of 2020, have filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2 The case of the Prosecution as per the defacto complainant is that due to a dispute relating to administration of the Temple, the Petitioners have quarrelled with the defacto complainant and assaulted him and caused injuries. Hence, the Petitioners have been implicated as A2, A4 and A6 in the case on hand.

3 This court heard the learned counsel for the Petitioners and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4 According to the Petitioners, the Petitioners are innocent and they have been falsely implicated in the case on hand, due to enmity and a dispute relating to administration of the temple. A1, A3 and A5 were arrested and released on bail and the injured had been discharged from the Hospital. The Petitioners would abide by any conditions to be imposed by this Court for enlarging them on anticipatory bail.

5 On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that due to a dispute regarding administration of the Temple, the Petitioners have assaulted the defacto complainant and caused injuries to him and that the injured had been discharged from the Hospital and that based on the counter complaint given by the Petitioners, a counter case in Cr.No.87 of 2020 has also been registered.

6 Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioners, however, on stringent conditions. Accordingly, the Petitioners are hereby ordered to be released on anticipatory bail, in the event of their arrest or on their appearance before the Judicial Magistrate, Tiruvarur, within 15 days from the date of receipt of a copy of this order and further on each of the Petitioners complying with the following conditions, without fail:-

i.If the Petitioners fail to surrender before the Judicial Magistrate, Tiruvarur, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii.Each of the Petitioners shall execute a 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 Judicial Magistrate, Tiruvarur. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iii.The Petitioners shall stay at Theni and report before the Theni Town Police Station, daily twice at 10.30 a.m. and 5.30 p.m., until further orders.

iv.The Petitioners shall not abscond either during the investigation or the trial. The Petitioners shall not tamper with evidence or witness, either during the investigation or the trial.

v.On breach of any of the aforesaid conditions, the concerned 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 are released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in 2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala).

vi.If the Petitioners, thereafter, abscond, a fresh First Information Report shall be registered, under Section 229A of 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,
TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE,
THENI TOWN POLICE STATION,
THENI.

CC to M/S. D.PRABU Advocate on payment of necessary charges
SR.NO.5010

सत्यमेव जयते

CRL OP.5778/2020

Date :13/03/2020

WEB COPY

RVR 17/03/2020