

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.5870 of 2020

1 MANOKARAN
2 M.KARTHIKEYAN
3 MADHIAZHAGAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ERUMAPATTI POLICE STATION,
NAMAKKAL, NAMAKKAL DISTRICT.
CR.NO.43 OF 2020

[RESPONDENT]

For Petitioner : ARUNAI ASSOCIATES 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 294(b), 323 and 506(ii) of IPC, in Crime No.43 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the de-facto complainant, as a result of which, the petitioners have assaulted the de-facto complainant and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and there is no previous case pending as against the petitioners. Hence, he prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioners and the de-facto complainant, as a result of which, the petitioners have assaulted the de-facto complainant and caused injuries. He would further submit that the victim has been discharged from the hospital and there is no previous case pending as against the petitioners.

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, Namakkal, 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 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., for a period of two weeks and thereafter as and when required for interrogation.

[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,
NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to ARUNAI ASSOCIATES Advocate on payment of necessary
charges Sr.5006

CRL OP.5870/2020

Date :13/03/2020

RVR 24/03/2020