

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.5470 of 2020

1 VENKATESAN
2 SIVACHANDRAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK,
TIRUVANNAMALAI DISTRICT.
CR.NO.183/2020

[RESPONDENT]

For Petitioner : M/S.B.MAHENDRA NAIDU Advocate

For Respondent : M/S. 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 353, 332, 307 IPC r/w. 25(1)(B)(a) 27(1) of Indian Arms Act 1959, in Crime No.183 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the defacto complainant and his team had conducted vehicle check up to prevent the forest offence, they have seen that the accused coming in a two wheeler with a country weapon, the defacto complainant and his team attempted to apprehend them. At that time, the accused had threatened them and fired them with the country gun resulting in which, the defacto complainant sustained simple injury. Thereafter when the defacto complainant and others have attempted to catch them and in the said attempt, the petitioners fell down and sustained injuries. On the complaint given by the defacto complainant, a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners were illegally detained by the forest officials and the officials assaulted them indiscriminately due to which, both of them sustained injuries. Due to that injury, the second petitioner passed away on 06.03.2020 while taking treatment thereby, he is not pressing this application in respect of the second petitioner. The first petitioner is still taking treatment in the hospital. Hence, he sought to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners were found to travel in the motor cycle with a country weapon and when the defacto complainant and his staff have questioned them, they have fired the defacto complainant and attempted to escape in the two wheeler due to fear, they have sustained injury due to fall. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and submissions made by the counsel, this Court is inclined to grant anticipatory bail to the first petitioner subject to the following conditions;

6. Accordingly, the first 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, Kalasapakkam, on condition that the petitioner 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 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 first 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 first petitioner shall report before the respondent as and when required for interrogation.

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

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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,
KALASAPAKKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK,
TIRUVANNAMALAI DISTRICT,

+1 CC to M/S.B.MAHENDRA NAIDU Advocate on payment of necessary charges SR.No.5004

सत्यमेव जयते

CRL OP.5470/2020

Date :12/03/2020

cs 20/03/2020

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