

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6423 of 2020

1 CHINNADURAI [PETITIONERS / ACCUSED]
2 YAGAPPA
3 SATHYA MOORTHY

Vs

[RESPONDENT]

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
TIRUVARUR DISTRICT.
CR.NO.94 OF 2020.

For Petitioner : M/S.A.SARANRAJ Advocate

For Respondent : MR.S.KARTHIKEYAN, 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, 506(i) IPC and section 4 of TNPHW Act in Crime No.94 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are adjacent land owners. There was a wordy quarrel between the petitioners and the defacto complainant. At that time, the petitioners assaulted the defacto complainant with wooden log and caused injuries. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that earlier, the defacto complainant and others have assaulted the petitioners and a case was registered by the respondent police in Crime No.95 of 2020. He further submitted that suppressing the above facts the defacto complainant gave a false complaint. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the victim has been discharged from the hospital. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 made ready, before the **learned Judicial Magistrate, Thiruvavarur**, on condition that 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent daily at 10.30 a.m., and 05.30 p.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 229A IPC.

-sd/-
19/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

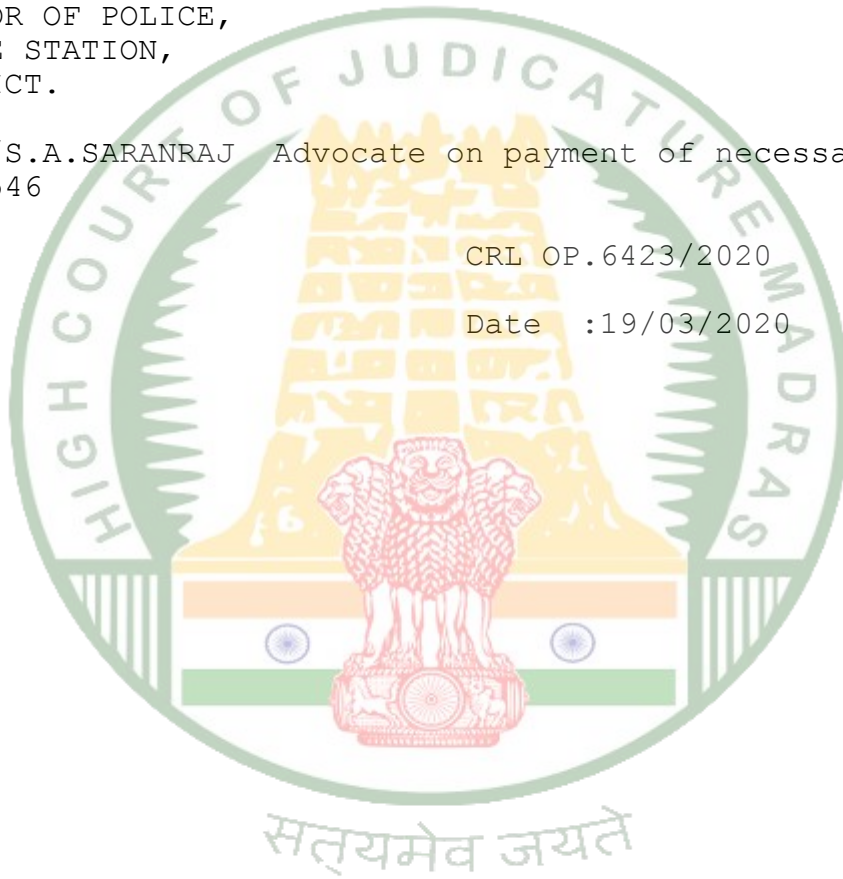
4 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary
charges SR.NO.5546

CRL OP.6423/2020

Date :19/03/2020

TA-22/05/2020



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