IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.6012 of 2020

1 RIVEEN KUMAR [ PETITIONERS / ACCUSED ]
2 VINOTH KUMAR

Vs

STATE REP. BY ITS [ RESPONDENT ]
THE INSPECTOR OF POLICE,
R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.102/2020

For Petitioner : M/S. G.P.SIVAKUMAR Advocate

For Respondent : M/S. P.KRITIKA KAMAL, Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC, in Crime No.102 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the victim/Narayanasamy, as a result of which, the petitioners attacked the victim. Hence, the complaint by the defacto complainant.

3. The learned counsel for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there was a wordy quarrel between the petitioners and the victim/Narayanasamy, as a result of which, the petitioners attacked the victim.

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.

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6. Accordingly, the petitioners are 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 is made ready, before the learned District Munsif-cum-Judicial Magistrate, Palliapattuu, 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 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/-
16/03/2020

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE,
PALLIAPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. G.P.SIVAKUMAR Advocate on payment of necessary charges SR.No.5110

CRL OP.6012/2020

Date :16/03/2020

cs 20/03/2020

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