



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6161 of 2020

WEB COPY

1.SKM Raja
2.Kumar
3.Sureshkumar
4.Chinnathambi @ Chindru
5.Elango Naicker

... Petitioners

..Vs..

State by:-
The Inspector of Police
Harur Police Station
Dharmapuri District
(Crime No.48 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, seeking to grant anticipatory bail to the petitioners in the event of their arrest in Crime No.48 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 148, 448, 294(b), 324, 326, 323, 506(ii) of IPC in Crime No.48 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the parties and the petitioners are said to have abused, intimidated and attacked the defacto complainant and caused him injuries.

3.The learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted on instructions that due to the attack, the defacto complainant's tooth was broken. It was further submitted that he has been discharged from the hospital. and there are no previous cases pending against the petitioners.



5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearances, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Dharmapuri, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each 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 police on every Monday at 10.30 a.m. for a period of four weeks, 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 petitioner in accordance with law as if the conditions have been imposed and the 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/06/2020

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,
NO.I, DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S.P.M.JAYACHANDRAN Advocate on payment of necessary
charges

CRL OP.6161/2020

Date :19/06/2020

cs 03/08/2020