

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.6325 of 2020

1 PANDIYAN
2 ARUL MURUGAN
3 BOOPATHY

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.
CR. NO. 25 OF 2020.

[RESPONDENT]

For Petitioner : M/S. SWAMISUBRAMANIAN 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 alleged offences punishable under Sections 294(b), 448, 324, 427 and 506(ii) IPC, in Crime No.25 of 2020, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners have entered into the defacto complainant's agricultural field and attacked him using iron rod and wooden log. They have also caused damage to the motor pump to the tune of Rs.1,000/- and threatened the defacto complainant with dire consequences. Hence, the complaint.

3.Learned counsel appearing for the petitioners would submit that the petitioners are the relatives to the defacto complainant and it is only a dispute between the family members. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Learned Additional Public Prosecutor that the petitioners have entered into the agricultural field of the defacto complainant and attacked him with iron rod and wooden log. The petitioners have also caused damage to the motor pump to the tune of Rs.1,000/-. The defacto complainant is treated as an out patient.

5. Taking into the fact of the case, this Court deems it fit 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 appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mannargudi, Tiruvarur District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten 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 daily at 10.30 a.m. for a period of two 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 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 absconds, 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

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

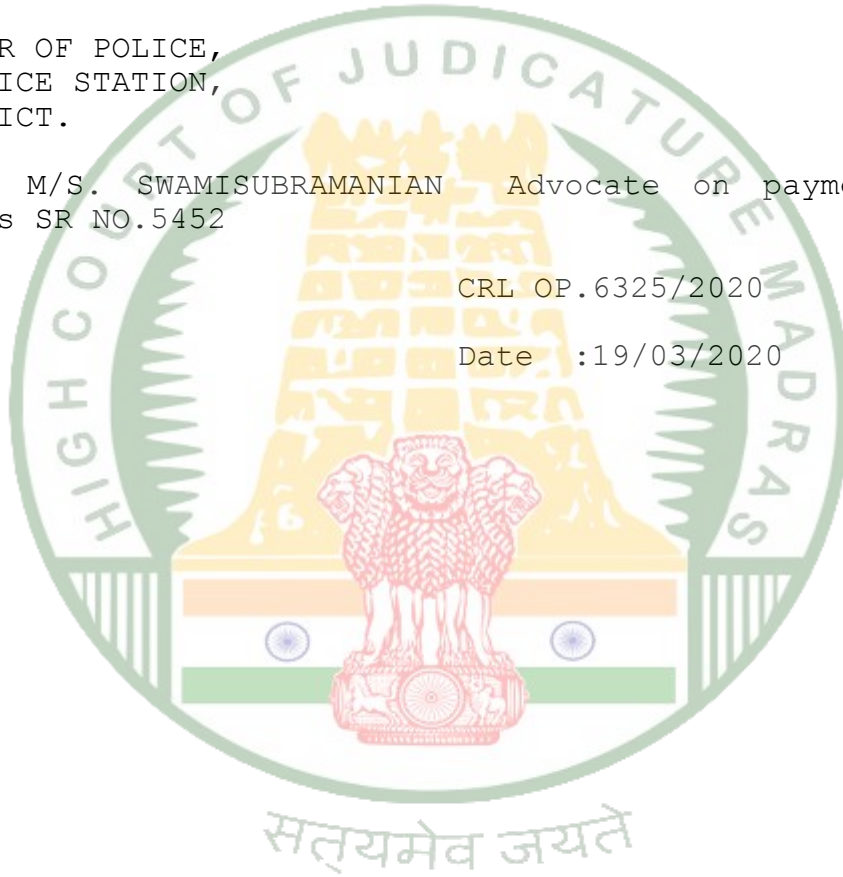
4 THE INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

+1CC to M/S. SWAMISUBRAMANIAN Advocate on payment of
necessary charges SR NO.5452

CRL OP.6325/2020

Date :19/03/2020

MK:17/04/2020



WEB COPY