

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos.7905, 7906, 7939 and 7940 of 2020

Jayachandran

S/o. Jayaraj,

No.1/41 HF, Maruthamanikam Theru,

Perumpannaiyur,

Thiruvavarur District.

.. Petitioner/2nd Accused in
(Crl.O.P.No.7905 of 2020)

Jayaraj

S/o. Karuthan,

No.1/41 HF, Maruthamanikam Theru,

Perumpannaiyur,

Thiruvavarur District.

.. Petitioner/4th Accused in
(Crl.O.P.No.7906 of 2020)

Jayarajan

S/o. Jayaraj,

No.1/41 HF, Maruthamanikam Theru,

Perumpannaiyur,

Thiruvavarur District.

.. Petitioner/3rd Accused in
(Crl.O.P.No.7939 of 2020)

Jayasurya

S/o. Jayaraj,

No.1/41 HF, Maruthamanikam Theru,

Perumpannaiyur,

Thiruvavarur District.

.. Petitioner/1st Accused in
(Crl.O.P.No.7940 of 2020)

Vs.

State rep. by its
Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
(Crime No.978 of 2020)

.. Respondent in all
Crl.O.Ps.

Prayer: Criminal Original Petitions filed for anticipatory bail under Section 438 of Criminal Procedure Code.

In all Crl.O.Ps.

For Petitioners : Mr.J.Jawahar

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC, in Crime No.978 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to spread of COVID 19, the street of the defacto complainant was closed. When the defacto complainant wanted to go out, he came to know that the petitioners have blocked the road

to prevent the vehicles coming from other towns. At that time, first accused came and abused the defacto complainant in filthy language. Subsequently, other accused persons came and abused the defacto complainant in filthy language and assaulted him in wooden log and knife. On complaint, a case has been registered under Sections 294(b), 324 and 506(ii) IPC.

3.The learned counsel appearing for the petitioners submitted that defacto complainant in a drunken mood, abused the petitioners in filthy language when the petitioners went to Police station and requested the Police not to open the TASMACH shop. Thereafter, the defacto complainant and his family members came to the house of the petitioners and attacked the petitioners and female members and tore their dress with wooden log. When the petitioners came to the spot, the defacto complainant and other accused persons attacked the petitioners with knife and wooden log. The mother of the petitioners lodged a complaint against the defacto complainant and his brother and the same is pending in Crime No.977 of 2020 on the file of the respondent police. As a counter blast, the defacto complainant lodged a false complaint against the petitioners. The petitioners have not committed any

offence as alleged by the prosecution. The petitioners are innocent and are falsely implicated in this case and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that it is the case of complaint and counter complaint and injured person is discharged from the hospital. The investigation is pending and hence, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and nature of allegations against the petitioners and case of complaint and counter complaint and pendency of case in Crime No.977 of 2020, 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 their arrest or on their

appearance within 15 days from the date of receipt of a copy of this common order before the Court of Judicial Magistrate, Thiruvavarur, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 Judicial Magistrate, Thiruvavarur, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall report before the respondent police once in a week on every Monday at 10.30 a.m., until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

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

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. Accordingly, all the Criminal Original Petitions are allowed.

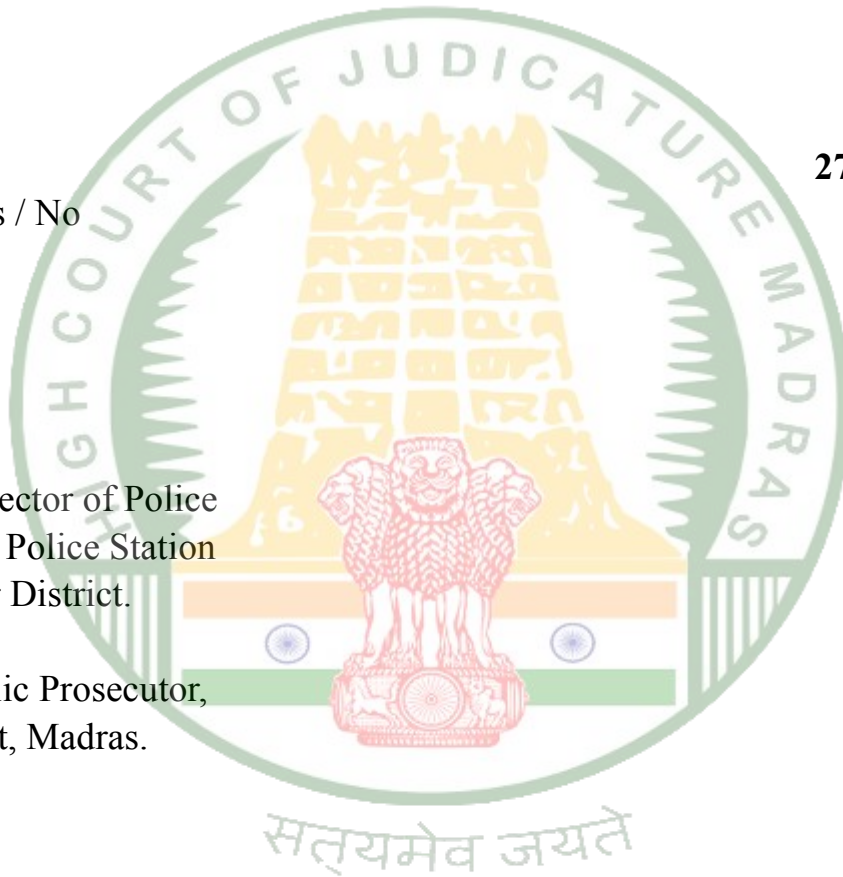
27.05.2020

Index : Yes / No
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To

1. The Inspector of Police
Kodavasal Police Station
Thiruvarur District.

2. The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

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