

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos.7908, 7909 and 7910 of 2020

Baskar
S/o.Gajendran
No.148, Bajanai koil street
Kalapattu Village
Tiruvallur-601 103.

.. Petitioner/3rd Accused in
(Crl.O.P.No.7908 of 2020)

Thirumalai
S/o.Dhamodaran
No.49, Perumal koil street
Kalapattu Village
Tiruvallur-601 103.

.. Petitioner/2nd Accused in
(Crl.O.P.No.7909 of 2020)

Palani
S/o.Dhamodaran
No.49, Perumal koil street
Kalapattu Village
Tiruvallur-601 103.

.. Petitioner/1st Accused in
(Crl.O.P.No.7910 of 2020)

Vs.

State rep. by its
Inspector of Police,
C2, Periyapalayam Police Station
Periyapalayam, Tiruvallur.
(Crime No.712 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.S.T.Bharath Gowtham
for Mr.J.Singh Paul

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 341 and 324 IPC in Crime No.712 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was some wordy quarrel on 24.04.2020 at 11.00 a.m. between one Jayavel, husband of the Panchayat President and one Narayanan, the Vice-President. While so, at 3.30 p.m., the petitioners assaulted the defacto complainant with wooden log and stones shouting whether the defacto complainant is supporting Narayanan, the Vice-President. On complaint, a case has been registered under Sections 341 and 324 IPC.

3.The learned counsel appearing for the petitioners submitted that the petitioners are falsely implicated in this case due to political vengeance. The petitioners are innocent and they have not committed any such offence as alleged by the prosecution. The petitioners are permanent resident and they will not abscond. The petitioners are ready and willing to furnish sureties and abide any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners waylaid the defacto complainant and assaulted him with wooden log and stones and the defacto complainant 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.Considering the nature of alleged offence and the defacto complainant is discharged from the hospital, 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 District Munsif-cum-Judicial Magistrate, Uthukottai, 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 District Munsif-cum-Judicial Magistrate, Uthukottai, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall report before the respondent police daily 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.

-sd/-

27/05/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
C2 PERIYAPALAYAM POLICE STATION
PERIYAPALAYAM, TIRUVALLUR

CC to Mr.S.T.Bharath Gowtham Advocate on payment of necessary charges

CRL OP.7908,7909 AND 7910/2020

Date :27/05/2020

rd 03/06/2020

<https://hcservices.ecourts.gov.in/hcservices/>