

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CrI.O.P.No.8031 of 2020

1. Billa @ Muniyandi
S/o. Perumal,
No.109, New Colony,
Kathivadi Village,
Walaja Taluk,
Ranipet District.

2. Kali @ Kalidhasan
S/o.Pichandi,
Rasthipuram Village,
Walaja Taluk,
Ranipet District.

3. Selvakumar
S/o. Munusamy,
2nd Street, Puransamedu,
Rasthipuram,
Walaja Taluk,
Ranipet District.

4. Muniyandi
S/o. Perumal,
No.109, New Colony,

Kathivadi Village,
Walaja Taluk,
Ranipet District.

5. Karthi @ Karthik
S/o. Perumal,
No.20, 2nd Street,
Puransamedu,
Rasthipuram Village,
Walaja Taluk,
Ranipet District.

6. Suriya
S/o. Annadurai,
No.15/1, Melvisharam,
Walaja Taluk,
Ranipet District.

7. Moorthi
S/o. Perumal,
No.20, 2nd Street,
Puransamedu,
Melvisharam,
Walaja Taluk,
Ranipet District.

8. Karthi @ Karthik
S/o.Pichandi,
No.3, Mariyamman Kovil Street,
Rasthipuram Village,
Walaja Taluk,
Ranipet District.

Petitioners / Accused 2,4,5,6,7,8,9,11

Vs.

The State represented by,
The Inspector of Police,
Arcot Town Police Station,
Vellore
Vellore District.
(Crime No.467 of 2020)

.. Respondent/Complainant

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

For Petitioners : Mr.G.P.Sivakumar
For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for alleged offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of Indian Penal Code in Crime No.467 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on 07.05.2020 at 10.30 p.m., when the defacto complainant and her husband were sleeping in their home, they heard some quarrel and went out of the house to find out reason for noise, at

that time, the petitioners and other accused persons assaulted one Chidambaram and Santhosh, relatives of the defacto complainant. When the defacto complainant's husband intervened, the petitioners and other accused persons attacked the defacto complainant and her husband. On complaint, case has been registered under Sections 147, 148, 294(b), 323, 324 and 506(ii) of Indian Penal Code.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The petitioners are innocent and their names are falsely implicated in this case. A1 was arrested and enlarged on bail on 13.05.2020 in CrI.M.P.No.784 of 2020 by the District Munsif-cum-Judicial Magistrate, Arcot, Vellore District. The petitioners are ready and willing to furnish sureties and abide by any condition that may be imposed by this Court and prayed for granting anticipatory bail to the petitioners.

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4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners and other accused persons

assaulted one Chidambaram and Santhosh, relatives of the defacto complainant. When the defacto complainant and her husband intervened to pacify the petitioners and other accused persons, they attacked the defacto complainant and her husband. On complaint, the case has been registered. The investigation is pending and hence, he prayed for dismissal of the petition.

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, nature of allegations made against the petitioners, A1 was arrested and enlarged on bail and the submissions of the learned counsel on either side, 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 order before the Court of the District Munsif-cum-Judicial

Magistrate, Arcot, 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 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 concerned Judicial Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

(iii) the petitioners shall not abscond either during investigation or trial. The petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioners thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

29.05.2020

Index : Yes / No

Internet : Yes / No

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To

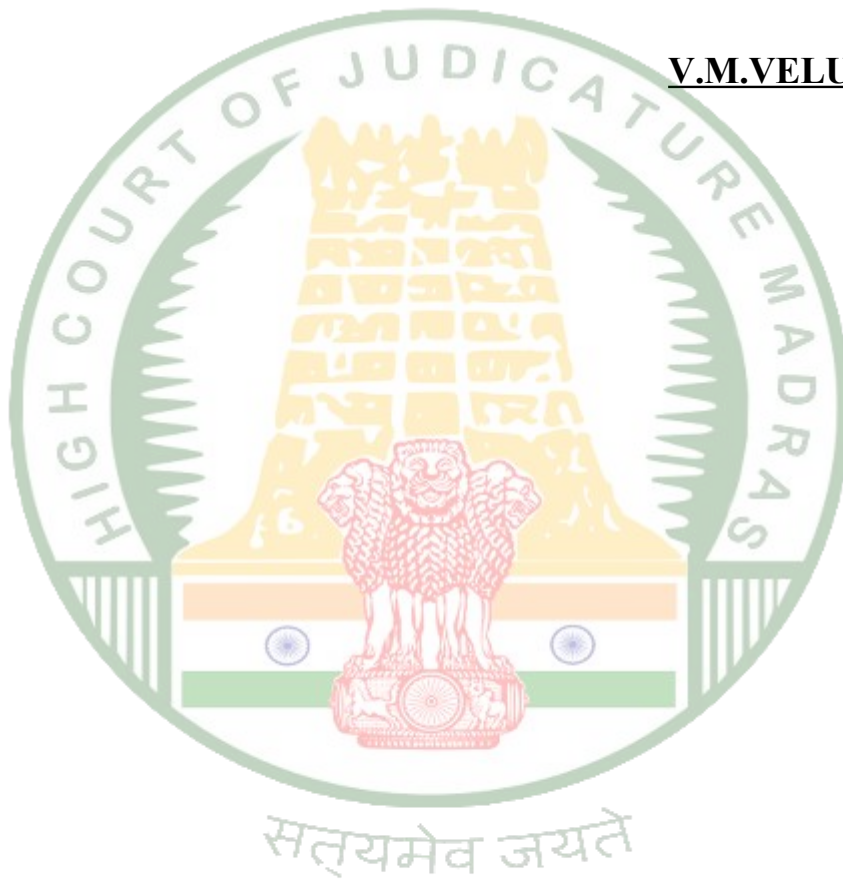
1.The Inspector of Police
Arcot Town Police Station

Vellore, Vellore District.

2.The Public Prosecutor,
High Court,
Madras.

V.M.VELUMANI, J.,

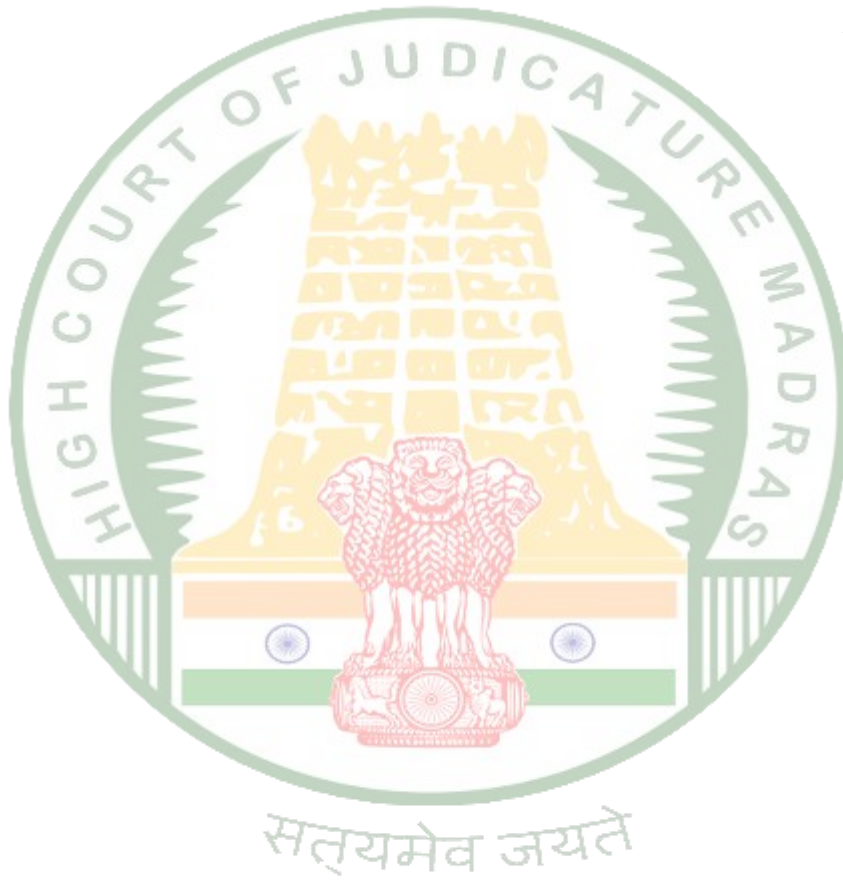
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