

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8054 of 2020

1. Kumaresan,
2. Ravichandran,
3. Sudha,
4. Dhena @ Dheenadhayalan, ... Petitioners

Vs.

State Rep.by Inspector of Police
Omalur Police Station
Salem District.
Cr.No.890 of 2020 Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.890 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/A1, A2, A3 & A5, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 148, 294(b), 323, 324 & 506(ii) IPC in Crime No.890 of 2020 on the file of the respondent

police, seek anticipatory bail.

2. The case of the prosecution is that there is a land dispute between the parties and during the incident, the victim is said to have sustained a injury in the wrist.

3. Heard the learned counsel for the petitioner.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent, submitted that the victim was not admitted in any hospital.

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 appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur, on condition that the petitioner 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 are directed to appear before the respondent police, as and when required.

[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.

08.06.2020

Internet : Yes/No

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To.

1. The Principal Sessions Judge,
Salem.

2. The Judicial Magistrate,
Omalur.

3. The Inspector of Police
Omalur Police Station

Salem District.

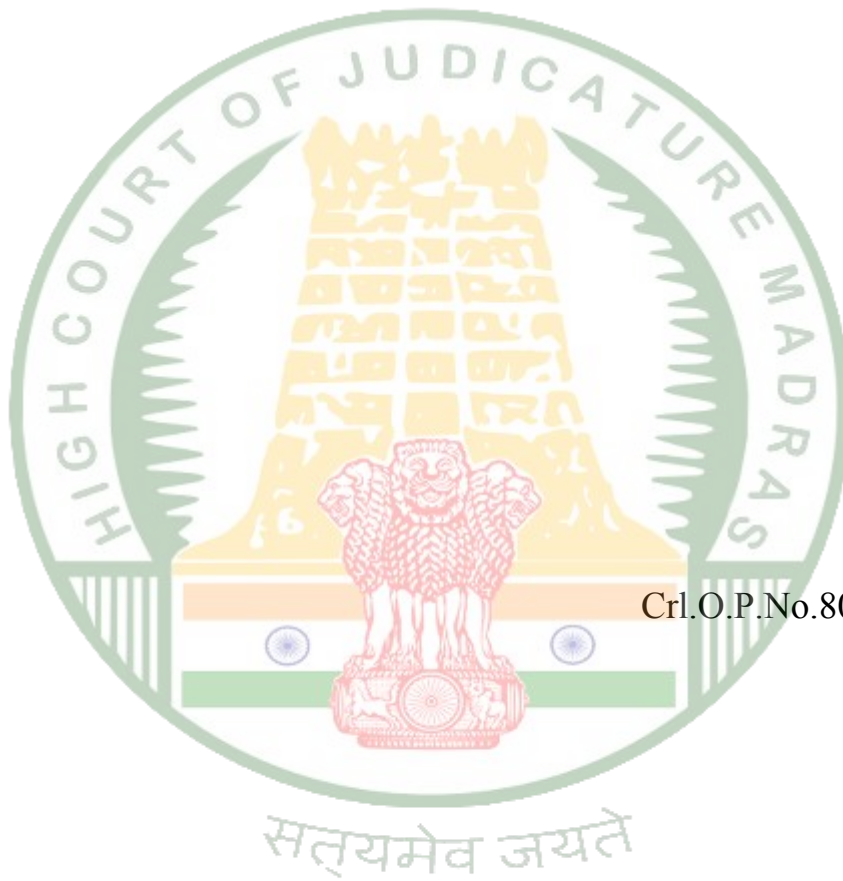
4. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

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