

IN THE HIGH COURT OF JUDICATURE AT

MADRAS

DATED : 02.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8088 of 2020

1.T.Dhasarathan

S/o.K.Thangaraj

2.Tamilvendhan

S/o.K.Thangaraj

3.K.Thangaraj

S/o.Kuppan

4.Jayapal

S/o.Devaraj

5.Jayakanth

S/o.Devaraj

... Petitioners

Vs.

State rep. by its

Inspector of Police,

Ambur Taluk Police Station,

Tirupattur District.

Crime No.523/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of arrest by the respondent police pending investigation of the case in Crime No.523 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.P.Palanichamy

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under **Sections 147, 148, 294(b), 324 and 506(2) IPC in Crime No.523 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners abused and attacked the defacto complainant with knife and thereby the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that there is a case in counter in Crime No.522 of 2020 and that a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed 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, Ambur**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **one surety**, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

02.06.2020

Index : Yes/No

Internet : Yes/No

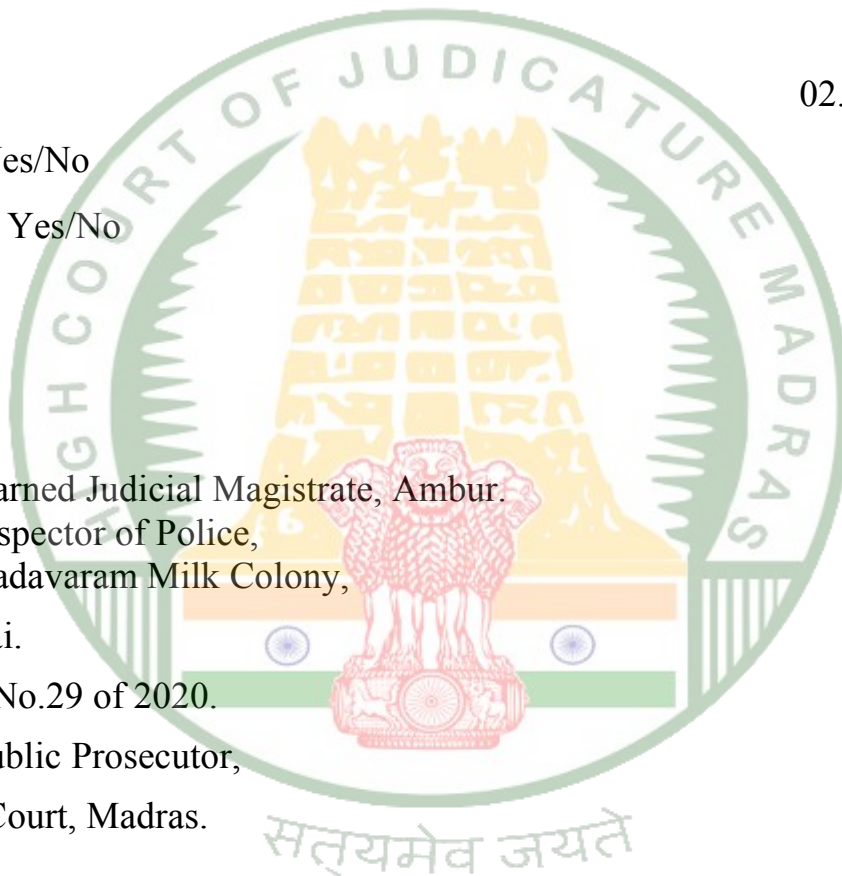
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To

1. The learned Judicial Magistrate, Ambur.
2. The Inspector of Police,
M2, Madavaram Milk Colony,
Chennai.

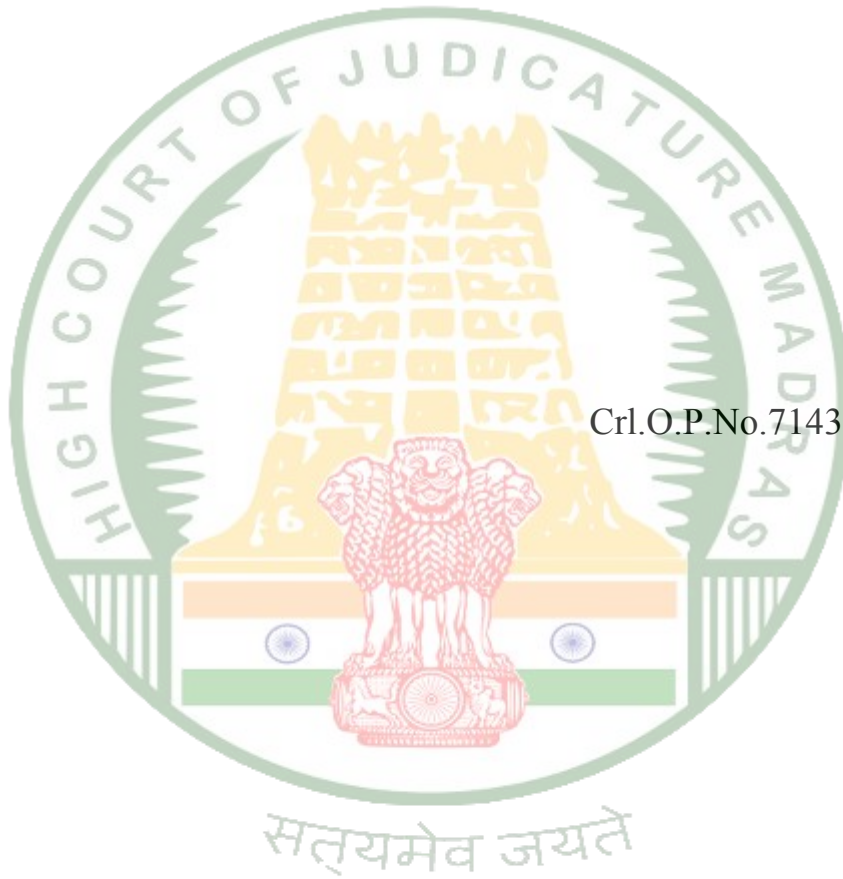
Crime No.29 of 2020.

3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.
rri



Crl.O.P.No.7143 of 2020

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02.06.2020