

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

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

CrI.O.P.No.8108 of 2020

1. Palanisamy

2. Sekar

3. Vellingiri

... Petitioners

Vs.

State by Inspector of Police,
Magudanchavadi Police Station,
Salem District.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.443 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.Arun

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) IPC, in Crime No.443 of 2020 on the file of the respondent police.

2. The case of the prosecution as per the defacto complainant one Kulandai Gounder is that there was already a dispute existing between the defacto complainant and the family of accused with regard to the usage of common pathway due to which, the petitioners abused and attacked the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners abused and attacked the defacto complainant over a pathway dispute. He would further submit that the victim has been discharged from the hospital and there is no previous case pending as against the petitioners.

5. Taking into consideration of the facts and circumstances of the case and that the victim has been discharged from the hospital, this Court is inclined to grant of anticipatory bail to the petitioners with certain conditions.

6. 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 is made ready, before the learned Judicial Magistrate - II, Sankari, Salem District, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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 Aadhaar 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 trial.

[d] the petitioners shall not abscond either during 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 229-A IPC.

05.06.2020

Internet : Yes/No

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To.

1. The Judicial Magistrate-II,
Sankari, Salem District.
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

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