

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8165 of 2020

1. Govindharaj
 2. Subramaniyan
 3. Rameshkrishnan
 4. Prabakaran
- ... Petitioners

Vs.

State represented by
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District. ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.908 of 2020 on the file of the Inspector of Police, Mangalamedu Police Station, Perambalur district on their appearance before the concern Court.

For Petitioners : M/s.K.Balu

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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O R D E R

The petitioners apprehend arrest at the hands of the respondent police for the alleged offense punishable under Section 294(b), 323, 324 and 506(ii) IPC in Crime No.908 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is a property dispute between the accused persons and the defacto complainant and all of them are relatives. On the date of

incident the accused persons are said to have abused and threatened the defacto complainant and caused simple injuries.

3. The learned counsel for the petitioners submitted that there is a civil dispute between the parties and a false case has been given against the petitioners.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the defacto complainant sustained an injury in his leg and later he was discharged from the hospital. The learned counsel further submitted that there are no previous cases against the petitioners.

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 District cum Judicial Magistrate, Veppanthattai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties (common sureties) for all the petitioners, 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 petitioners 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.

-sd/-
10/06/2020

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 CUM
JUDICIAL MAGISTRATE,VEPPANTHATTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR DISTRICT.[FOR INFORMATION]

3 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE,PERAMBALUR

4 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

5 INSEPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S K.BALU Advocate on payment of necessary charges

CRL OP.8165/2020

Date :10/06/2020

GKS (TA) :05/08/2020

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