

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

Crl.O.P.No. 8296 of 2020

1. M. Santhosh
S/o. Marappan

2. G. Yogesh Kumar
S/o. Ganeshan ... Petitioners

vs.

State rep. By
The Inspector of Police
M-4 Thudiyalur Police Station,
Coimbatore District.
(Crime No.89 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Cr.No.89 of 2020 on the file of the Inspector of Police, M-4, Thudiyalur Police Station, Coimbatore District.

For Petitioner : Mr.W. Camyles Gandhi

For Respondent : Mr. M. Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/A6 & A7, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 324, 307 of IPC read with Section 3 of the Prevention of Damage to Public Property Act, 1984 in Crime No.89 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel, which resulted in the parties coming to blows with each other and the defacto complainant is said to have sustained injuries. This incident has taken place in a TASMAC bar.

3. The learned counsel for the petitioner submitted that the other co-accused persons were arrested and later, enlarged on bail. The learned counsel further submitted that the petitioners have been falsely implicated in this case.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent, submitted that the other accused persons were arrested and later released on bail. The learned counsel further submitted that the accused persons have also caused damage to chair and table in the TASMAC bar worth Rs.2,000/- (Rupees Two Thousand only). The learned counsel further submitted that the injured person has been discharged from the hospital.

6. This Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.750/- (Rupees Seven Hundred and

Fifty only) each as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court.

7. 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 I, Coimbatore, 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 deposit a sum of Rs.750/- (Rupees Five thousand only) each, as non refundable deposit to the credit of the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).

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[c] the petitioners are directed to appear before the respondent police, as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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.

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