

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM :

THE HONBLE MR. JUSTICE.N.ANAND VENKATESH

Crl.O.P.No.8317 of 2020

1. A.Chandrasekar

2. A.Elayaraja

3. Gurukoorthi

4. Dinakaran

... Petitioners

VS.

State represented by.
The Inspector of Police,
Thirukuvalai Police Station,
Nagapattinam District.

... Respondent

Prayer :- Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.31 of 2020 the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.Mohammad Riyaz,

Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 324 and 506(ii) of IPC in Crime No.31 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 between the parties which ended in the parties coming to blows with each other. There is a case and counter registered by the respondent police and investigation is pending.

3.The learned counsel appearing for the petitioners submitted that the earlier anticipatory bail petition filed by the petitioners was dismissed, since this Court felt that it was too early to consider the petition and the investigation was at a very beginning stage. The learned counsel further submitted that the change in circumstances is that the accused person in the counter case has been granted anticipatory bail. He further submitted that no one was injured seriously and no one was admitted in the Hospital.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there was a wordy quarrel between the parties which led to the occurrence. The learned counsel further submitted that the injured has been discharged from the Hospital and both the case and counter is now under investigation.

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 II, Nagapattinam** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (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 shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter, 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]**.



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[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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