

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8322 of 2020

1.Malarvendhan
2.Gunasekaran
3.Aristatle
4.Boobalan

... Petitioners

Vs.

State represented by
The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.485 of 2020 pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.Deepak Kumar

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/A1 to A4, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 & 506(ii) of IPC in Crime No.485 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a property dispute among the parties and on the date of incident, they were involved in a wordy quarrel. It is the further case of the prosecution that the victim was attacked by the accused persons and he sustained injuries.

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

4.The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the victim has already been discharged from the hospital and that there are no previous case against these 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Mannargudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum and those sureties can be a common sureties for all the petitioners, 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 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.

09.06.2020

N.ANAND VENKATESH,J.

vkf

To

1.The Judicial Magistrate No.II,
Mannargudi.

2.The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.

3.The Public Prosecutor,
Madras High Court, Madras.



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