

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENATESH

Criminal Original Petition Nos.8332,8334 & 8335 of 2020

Gnanasekaran(M/28 Yrs),
S/o Rajendran,
Gandhi nagar,
South Vattar Village,
Mannargudi Taluk, Thiruvarur District .

.. Petitioner / Accused No.5
in Crl.O.P.No.8332/2020

Kesavan (M/21Yrs)
S/o. Mathialagan,
429, Keezha puthur Vattar Village,
Mannargudi Taluk,
Thiruvarur district.

.. Petitioner/Accused No.6
in Crl.O.P.No.8334/2020

Makesh(M/38 Yrs),
S/o. Veerappan, 2/249,
Gandhi nagar South vattar Village,
Mannargudi Taluk,
Thiruvarur district.

.. Petitioner/Accused No.2
in Crl.O.P.No.8335/2020

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/versus/

State rep. by Inspector of Police
Thirukkalar Police station,
Thiruvarur District
Crime No. 324 of 2020

.... Respondent/Complainant
in all cases

Common Prayer: Criminal Original Petitions have been filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.324 of 2020 on the file of the Inspector of Police, Thirukkalar Police Station, Thiruvavarur District.

For Petitioners :M/s Swami Subramanian
(in all petitions)
For Respondent :Mr.M.Mohammed Riyaz,
(in all petitions) Additional Public Prosecutor

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 341, 294(b), 324 and 506(ii) of IPC in Crime No.324 of 2020 on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are known to each other, since they belong to the same political party. One Vasanthi, who was a Panchayat Employee, was suspended from service by the defacto complainant on the ground that she collected monies from certain persons. The further case of the prosecution is that the accused persons picked up a quarrel with the defacto complainant against the suspension of the said Vasanthi and they had proceeded to assault the defacto complainant, as a result of which the

defacto complainant sustained head injuries. There are totally 6 accused persons in this case and the petitioners are A5, A6 and A2 respectively.

3.The learned counsel for the petitioners submitted that a false case has been foisted against these petitioners and they have nothing to do with the alleged offence.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the injured was attacked by the accused persons and he sustained head injuries and now, the defacto complainant has been discharged from the hospital. The learned counsel further submitted that there are no previous cases pending against these petitioners.

5. Taking note of the fact 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 No.1, Mannagudi, Thiruvarur district, on condition that the petitioners 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 petitioner 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 deposit a sum of Rs.1,500/-(Rupees one thousand and five hundred 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), without prejudice to their rights and contentions before the Trial Court to contest the case on merits.

(c)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(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 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).

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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Index:yes/no

Speaking order/non speaking order

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To:

- 1.The Judicial Magistrate No.1, Mannagudi, Thiruvarur District.
- 2.The Inspector of Police ,Thirukkalar Police station, Thiruvarur District.
- 3.The Public Prosecutor, High Court, Madras.



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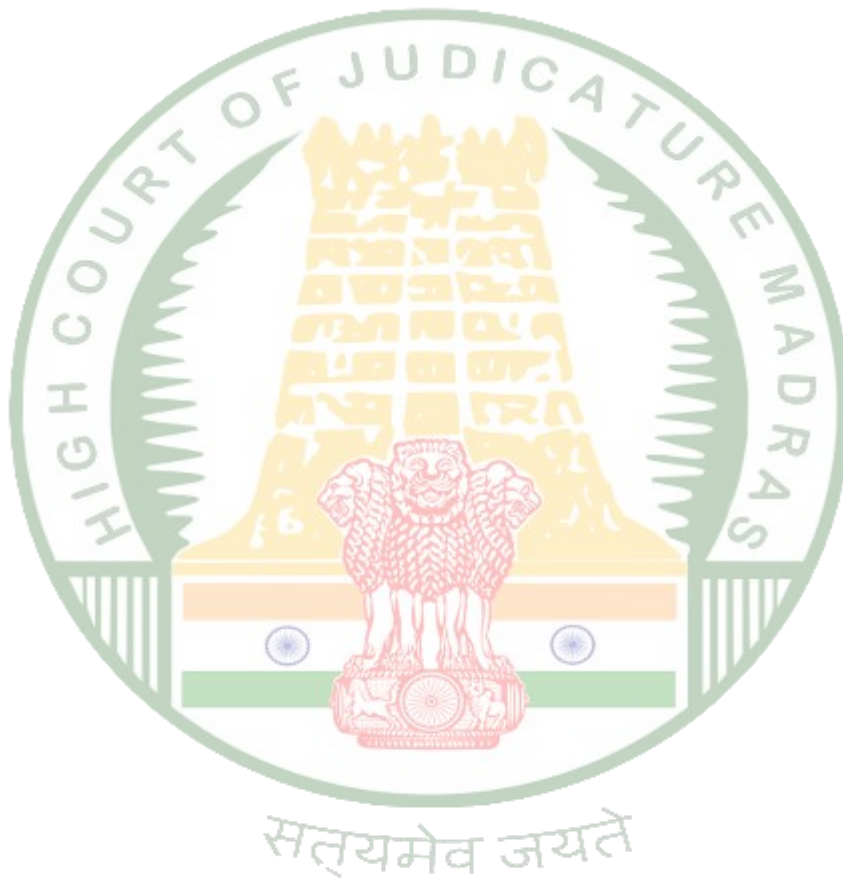
N.ANAND VENKATESH,J

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