

IN THE HIGH COURT OF JUDICATURE AT MADRAS

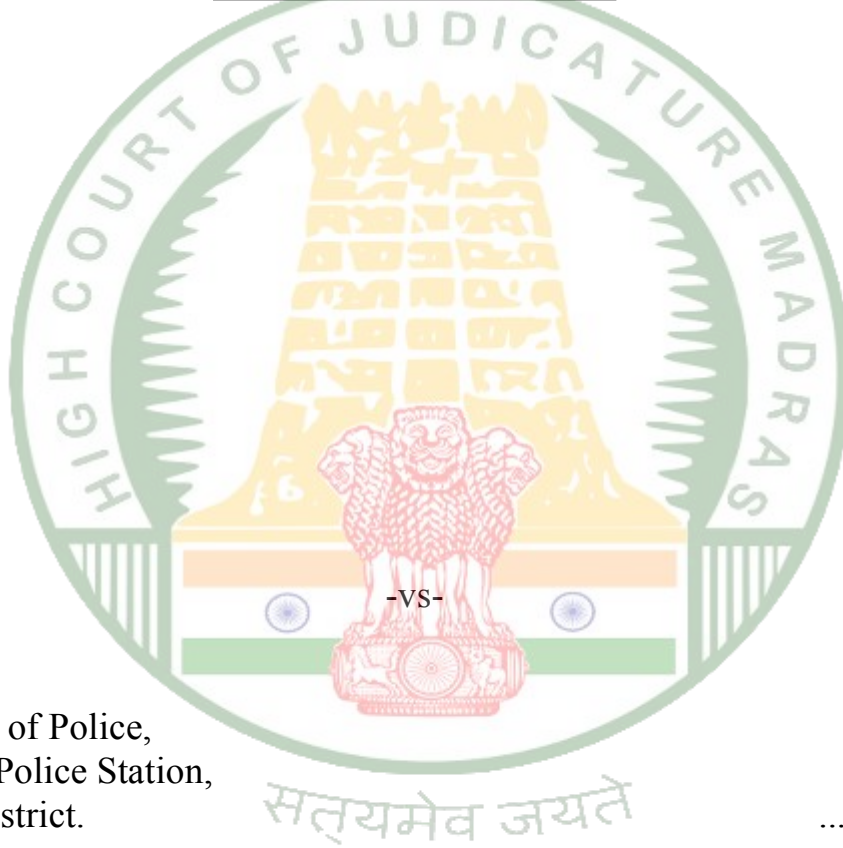
DATED: 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. O.P. No. 8603 of 2020

1.Kesavan
2.Bala
3.Muthu
4.Raman
5.Iyyappan
6.Sabari
7.Sasikala
8.Sumathi
9.Parvathi
10.Annakili
Petitioners



State rep by,
The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of their arrest pending investigation in Crime No: 911/2020 on the file of the respondent.

For Petitioners	:	Mr. T. Muruganantham
For Respondent	:	Mr. M. Mohamed Riyaz Additional Public Prosecutor

ORDER

The petitioners/A2 to A11, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 & 506 (ii) of Indian Penal Code and 3(1) of TNPPD Act 1984 in Crime No.911 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant had advanced money to the father of A1. Since this money was not repaid, the de-facto complainant had instituted a suit for recovery of money. Aggrieved by the same, the accused persons picked up a quarrel and had intimidated and assaulted the de-facto complainant. There are totally 11 accused persons in this case and the Petitioners are ranked as A2 to A9.

3.The learned Additional Public Prosecutor on instructions, submitted that the injured has been discharged from the Hospital and there are no previous cases against the Petitioners.

4.The learned counsel for the Petitioners submitted that the money has been repaid back to the de-facto complainant and inspite of the same, suit was instituted and therefore this was questioned by the Petitioners.

5.Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant Anticipatory bail to the Petitioners. 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 Munsif cum Judicial Magistrate, Nannilam on condition that

the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) 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 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 every Monday at 10.30 am for a period of 4 weeks and thereafter as and when required for investigation by the respondent police.

[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 petitioner 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]**.

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

12.06.2020

ay

Internet: Yes/No

To

1. The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
2. learned District Munsif cum Judicial Magistrate,
Nannilam.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



WEB COPY

N. ANAND VENKATESH, J.

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WEB COPY

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