

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G. K. ILANTHIRAIYAN**

Crl.O.P.No.8609 of 2020

1. Athiyaman (M/30),
S/o. Raman
2. Gopi @Gopinath (M/24),
S/o. Chinna
3. Vignesh (M/22),
S/o. Kannan
4. Ajith @Ajithkumar (M/23),
S/o. Karunakaran
5. Kathamuthu @ Janarthanan (M/31),
S/o. Annadurai

(All the petitioners are residing at
Mathanaikkanpatti colony,
Kuttan patty, Mettur, Salem)

....Petitioners/A4 to A8

Vs.

State Rep. by
The Inspector of Police,
Nangavalli Police Station,
Salem District.
(Crime No.357 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.357 of 2020 on the file of the respondent police.

For Petitioners : Mr. Dr. S. Manoharan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 323, 307 and 506(i) of IPC in Crime No.357 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 07.05.2020 at about 02.00 p.m., there was a scuffle arose between the accused persons and the defacto complainant and it is alleged that the petitioners assaulted the defacto complainant and abused him with unparliamentary words and hence there were push and pull between both the parties. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant with hands and rods and abused him with filthy language. Therefore, the victims sustained severe blood injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.I, Mettur, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related 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 daily 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]**.

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

25.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
SSI

To

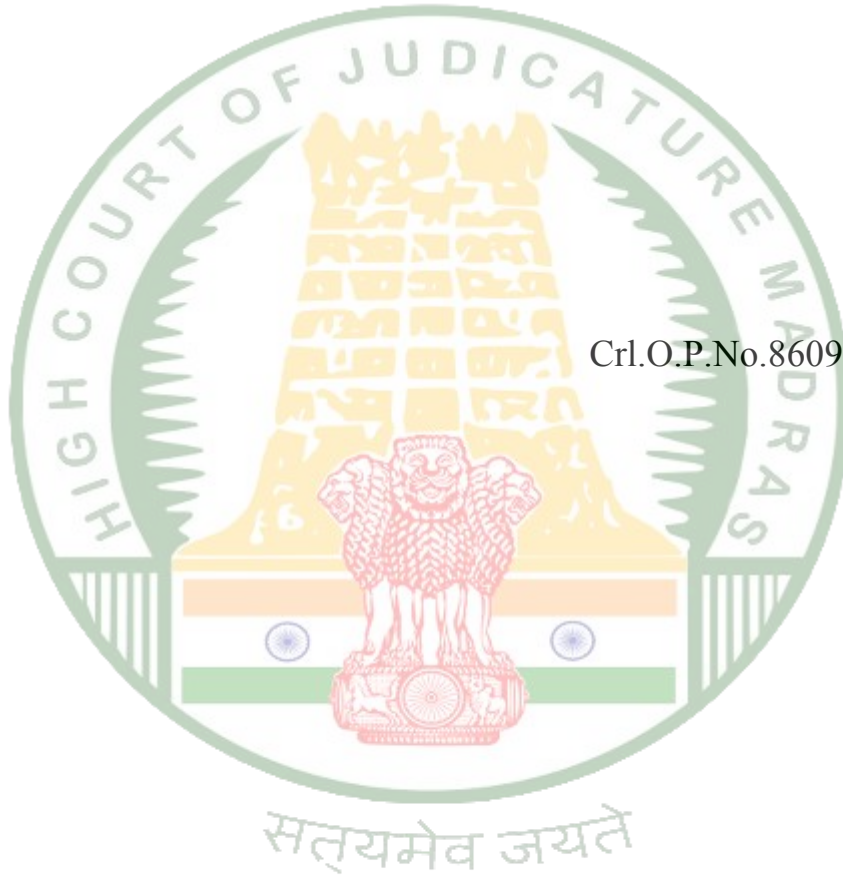
1. The Judicial Magistrate No.I,
Mettur.

2. The Inspector of Police,
Nangavalli Police Station,
Salem District.

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

G. K. ILANTHIRAIYAN, J

SSI



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