

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

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THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

Crl. O.P. No.8616 of 2020

1. Subramani
2. Nirmalraj
3. Rani @ Selvarani
4. Indhu @ Indhumathi

... Petitioners

-Vs-

State rep. by Sub-Inspector of Police,
Attur Town Police Station,
Salem District.
(Crime No.426 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail pending investigation in Crime No.426 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.Rajakumar

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324,

506(i) of IPC in Crime No.426 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 between the parties and the petitioners are said to have intimidated and attacked the *de facto* complainant, as a result of which, he sustained simple injuries.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police, on instructions, submitted that the injured has been discharged from the hospital and there are no previous cases against the petitioners.

5. Taking into consideration the facts and circumstances of the case, 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, Attur, Salem District on condition that the petitioners shall execute a separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) each of the petitioner 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;

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(e) on breach of any of the aforesaid conditions, the learned Judicial 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.

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Index: Yes/No

Speaking Order: Yes/No

To

1. The Judicial Magistrate No.1,
Attur, Salem District.

2. The Sub-Inspector of Police,
Attur Town Police Station,
Salem District.

3. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

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