

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8728 of 2020

1.Ayyappan
2.Sathishkumar

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.371 of 2020 on the file of the respondent Police.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 294(b), 324 and 307 of IPC in Crime No.371 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy corral

between the accused persons and the defacto complainant and others and they

attacked each other with wooden lock and knife. There are totally five accused persons in this case and the petitioners have been arrayed as A3 and A4.

3.The learned counsel appearing for the petitioners submitted that both the groups attacked each other and there is a case and counter pending investigation. The learned counsel further submitted that the petitioners have been falsely roped in this case.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that there is a case and counter pending investigation in Crime Nos.371 and 372 of 2020. The learned counsel further submitted that the injured has been discharged from the hospital and there is one previous case against the petitioner.

5.Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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, Jayamkondam, Ariyalur District on condition that the petitioner 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 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 every Monday at 10.30 a.m., until further orders.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

16.06.2020

N.ANAND VENKATESH,J.

vkr

To

1.The Judicial Magistrate NoII,
Jayamkondam, Ariyalur District

2.The Inspector of Police,
Meensurity Police Station,
Ariyalur District.

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



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