

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH, J.

Cr1.O.P.No.8783 of 2020

1.Sakthiveeran
2.S.Sanjai Kumar
3.S.Manojkumar
4.R.Vetriselvan

... Petitioners

Vs.

The Inspector of Police
Sirkali Police Station
Nagapattinam
(Crime No.612/2020)

... Respondent

Prayer:Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.612 of 2020, pending investigation on the file of the respondent.

For Petitioners : Mr.K.Thenrajan

For Respondent : Mr.M.Mohamed 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), 147, 148, 323, 324, 354, 448 and 506(ii) IPC, in Crime No.612 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the accused persons and the defacto complainant and they all belong to the same family. The accused persons are said to have trespassed into the property and intimidated the defacto complainant, and attacked him and caused injuries. There are totally six accused persons in this case and the petitioners are A2, A3, A4 & A5.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons 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 for the respondent police on instructions submitted that A1 & A6 were arrested and later enlarged on bail and the injured has been discharged from the hospital. The learned counsel further submitted that there are no previous cases pending against the petitioners.

5.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their 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 Sirkali, Nagapattinam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties and those sureties shall be a common surety, 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 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 petitioner 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].

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

-sd/-

17/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
SIRKALI, NAGAPATTINAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

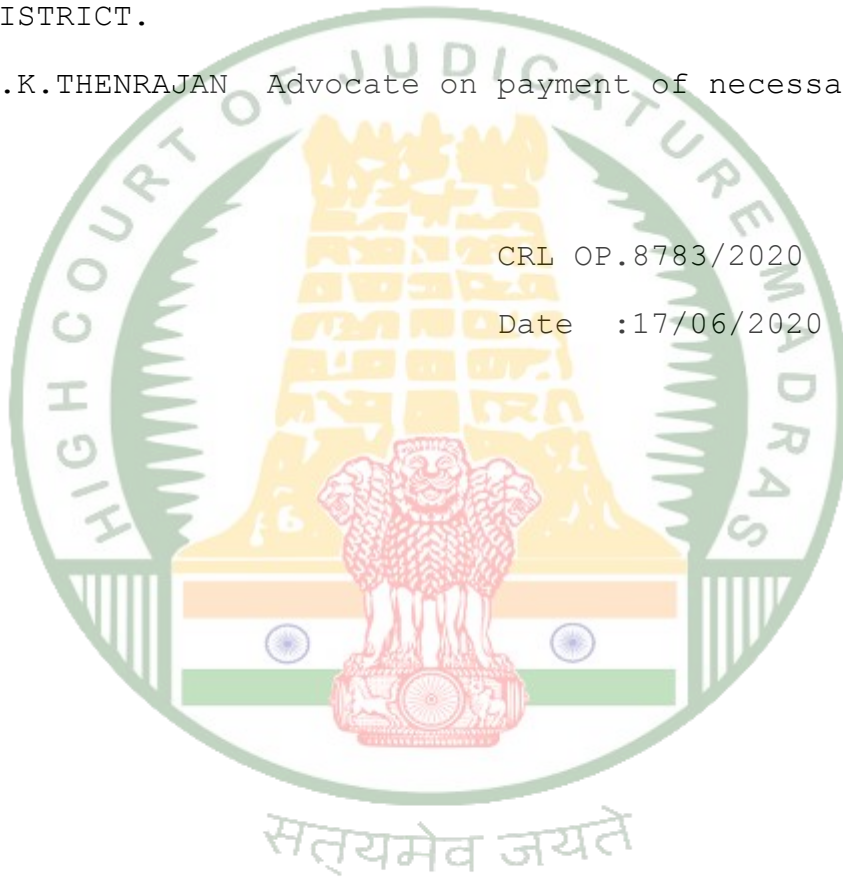
3 THE INSPECTOR OF POLICE,
SIRKALI POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.K.THENRAJAN Advocate on payment of necessary charges

CRL OP.8783/2020

Date :17/06/2020

cs 03/08/2020



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