

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8859 of 2020

1.Kamalakkannan

2.Kalai Selvan

[*]3.SivaKumar @ SenthilKumar

4.Mathaiyan

5.Deepa

6.Santhi

... Petitioners

Vs.

The State Rep. By

Inspector of Police

Mecheri Police Station

Salem District

(Crime No.652/2020)

... 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.652 of 2020, on the file of the respondent.

For Petitioners : Mr.M.Subash

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 147, 341, 294(b), 355, 323 and 506(i) IPC, in Crime No.652 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had approached this Court and had filed W.P.No.16720 of 2019 to remove the illegal encroachments and as a result of the same, there was a previous enmity between the accused persons and the defacto complainant. It is the further case of the prosecution that there was a wordy quarrel between the parties and the defacto complainant sustained simple injuries.

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 bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police on instructions submitted that no one was admitted to the hospital and there are no previous cases pending against the petitioners. The learned Additional Public Prosecutor further submitted that there are totally six accused persons in this case.

5.Taking into consideration of the facts and circumstances, 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 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 No.2, Mettur, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each 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. for a period of four weeks, 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 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*]Amended as per order of this Court dated 14/07/2020 made in CRL.MP.NO.4408 OF 2020 IN CRL.OP.NO.8859 OF 2020

TO

1 THE JUDICIAL MAGISTRATE NO.2,
METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

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

CRL OP.8859/2020

Date :17/06/2020

TA:30/07/2020

MK:31/07/2020