

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.8963 of 2020

1.Kandan
2.Jayanthi
3.Murugan
4.Sathish Kumar

... Petitioners

vs

The State represented by its
The Sub Inspector of Police,
T-14, Mangadu Police Station,
Kanchipuram District - 600 122.
Crime No.796 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of his arrest by the Respondent Police in Crime No.796 of 2020 dated 10.05.2020 on the file of the Sub-Inspector of Police, T-14, Mangadu Police Station, Chennai - 600 125.

For Petitioners : Mr.A.Jayaprakash

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506 (ii) IPC, in Crime No.796 of 2020 dated 10.05.2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons and the counter parties are neighbours and there was a dispute over the usage of a drainage. On the date of incident, both the parties hurled abuse against each other and attacked each other resulting in a case and counter in Crime No.796 and 797 of 2000.

3.The learned counsel for the petitioners submitted that the petitioners have nothing to do with the alleged offence and a false case has been foisted against the petitioners.

4.The learned Additional Public Prosecutor on instruction submitted that the injured have 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 and also of 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 anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Sriperumudur, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties (common sureties) 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 said Magistrate, on further conditions 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2020

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.

TO

1 THE JUDICIAL MAGISTRATE COURT,
SRIPERUMUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT-600122.

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

CRL OP.8963/2020

Date :18/06/2020

सत्यमेव जयते

TA-26/08/2020

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