

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9085 of 2020

1. Arumugam
S/o. Ramasamy
2. Duraisamy
S/o. Venkatasamy
3. Krishnan
S/o. Duraisamy
all are residing at
Vettrilaithottam (village)
Chinnaovapam (P.O.
Krishnagiri District

...Petitioners

Vs

The State, rep. by its Inspector of Police,
Gandhikuppam Police Station
Krishnagiri District
[Crime No: 369 of 2020]

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.369 of 2020 on the file of the respondent police.

For Petitioners : Mr.M. Jayachandran
For Respondent/s : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) of IPC in Crime No.369 of 2020 seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute and previous enmity between the petitioners' family and the defacto complainant Rajammal's family and on 12.06.2020 at about 3 p.m., when the defacto complainant was cultivating in her agricultural land, the petitioners came and pick up wordy quarrel and assaulted the defacto complainant with wooden stick and hands and due to that the defacto complainant was injured and admitted in Government hospital and hence F.I.R. has been registered.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the investigation is still pending. It is put forth by him that no previous case is pending against the petitioners and the defacto complainant has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.I, Krishnagiri on condition that each of the petitioner shall execute separate bond for a sum of Rs.10,000/- (Rupees ten 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 first and third petitioner, except the second petitioner, shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.06.2019

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

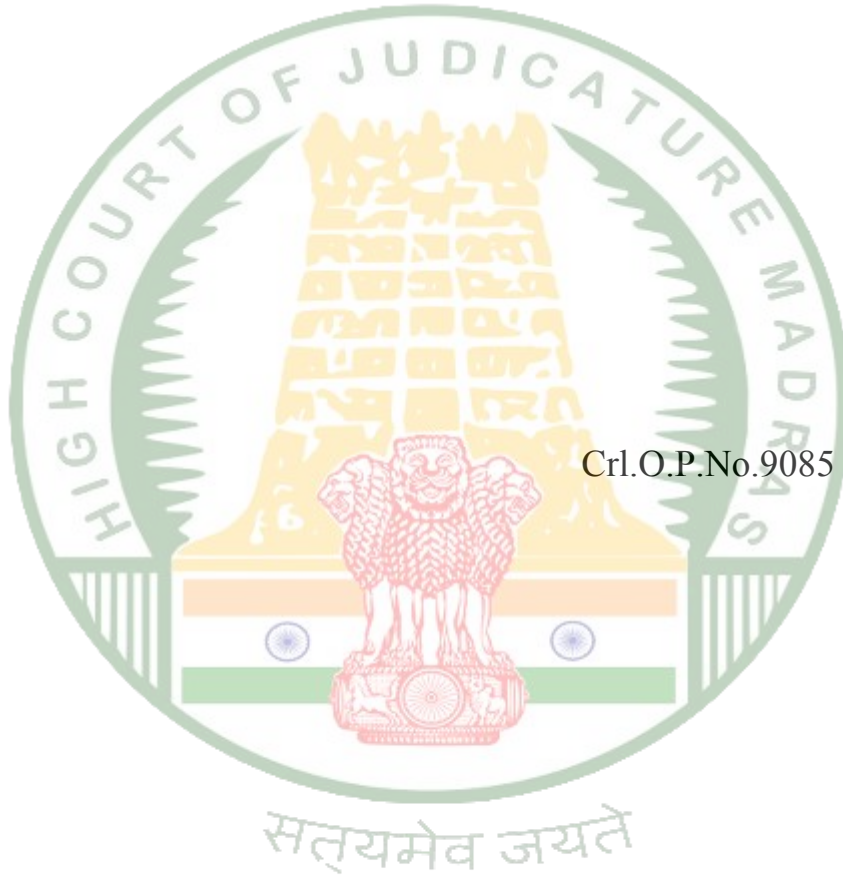
To

1. The Inspector of Police,
Gandhikuppam Police Station
Krishnagiri District
2. The Additional Public Prosecutor,
Madras High Court,
Chennai.

WEB COPY

G.K.ILANTHIRAIYAN, J

bga



Crl.O.P.No.9085 Of 2020

WEB COPY

23.06.2020