

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.06.2020

CORAM

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

CrI.O.P.No.9154 of 2020

1.Arul @ Elangovan
2.Sathiyamurthy
3.Raja

Petitioners/ Accused No.1 to 3

Vs.

State Rep. by
The Inspector of Police,
Peralam Police Station,
Chennai.
(Cr. No.1060 of 2020)

Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.1060 of 2020 on the file of the respondent police.

For Petitioners : M/S. R.Baskar

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC in Crime No.1060 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel arose between the accused persons and the defacto complainant regarding account of the village panchayat, and it is alleged that the accused persons assaulted the defacto complainant and caused injuries. Hence the complaint.

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

4. The learned Additional Public Prosecutor would submit that the petitioners are in this case arrayed as A1 to A3 and there is no previous cases against them. He further submitted that the accused persons attacked the defacto complainant and his son with wooden log and also threaten for dire consequences. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and 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 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, Nannilam, Thiruvavur, on condition that the petitioners shall execute a 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 petitioners 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.

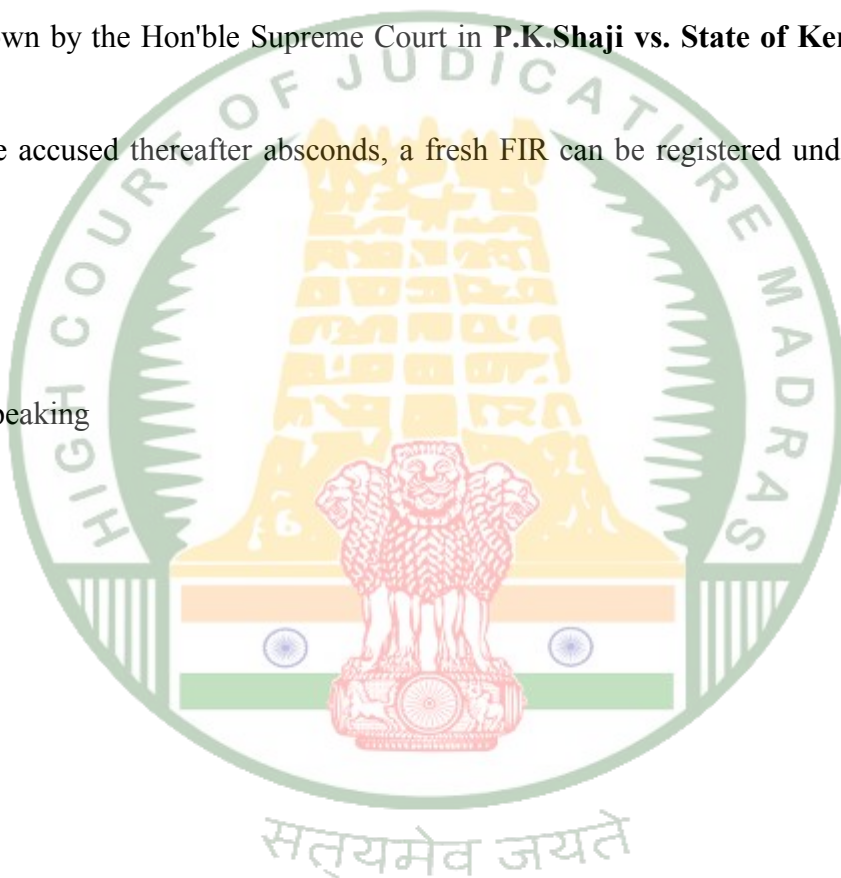
[d] the petitioners shall not abscond either during investigation or trial.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

22.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/ Non-Speaking
jrs



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G.K.ILANTHIRAIYAN, J

jrs

To

1.The Judicial Magistrate, Nannilam,
Thiruvarur District.

2.The Inspector of Police,
Peralam Police Station, Chennai.

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



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