

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9211 of 2020

1. Appu @ Rajasekar

S/o.Gunasekaran

Royal City Nagar, Needamangalam,

Thiruvarur District.

2. Tharun

S/o.Sekar @ Sekaran

11, Throwpathi Amman Koil Street,

Needamangalam,

Thiruvallur District.

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Needamangalam Police Station,

Thiruvarur District.

Cr. No.9 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioners in the event of their arrest in connection with Crime No.9 of 2020 on the file of the respondent police.

For Petitioners : M/s.M.Srinivasan

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 & 506(i) of IPC in Crime No.9 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant's uncle daughter had eloped with some one who was residing in the petitioners street. The petitioners and four other accused scolded the defacto complainant in a filthy language for the act of the defacto complainant's uncle daughter and attacked him with a wooden log and thereafter he was admitted in hospital. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant's uncle daughter had eloped with a person residing in the petitioners street and hence a wordy quarrel arose between them. He further submitted that there is no previous case pending against the petitioners and the injured had been discharged from the hospital and already there is a case in counter.

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 their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif cum Judicial Magistrate Court, Needamangalam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 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 thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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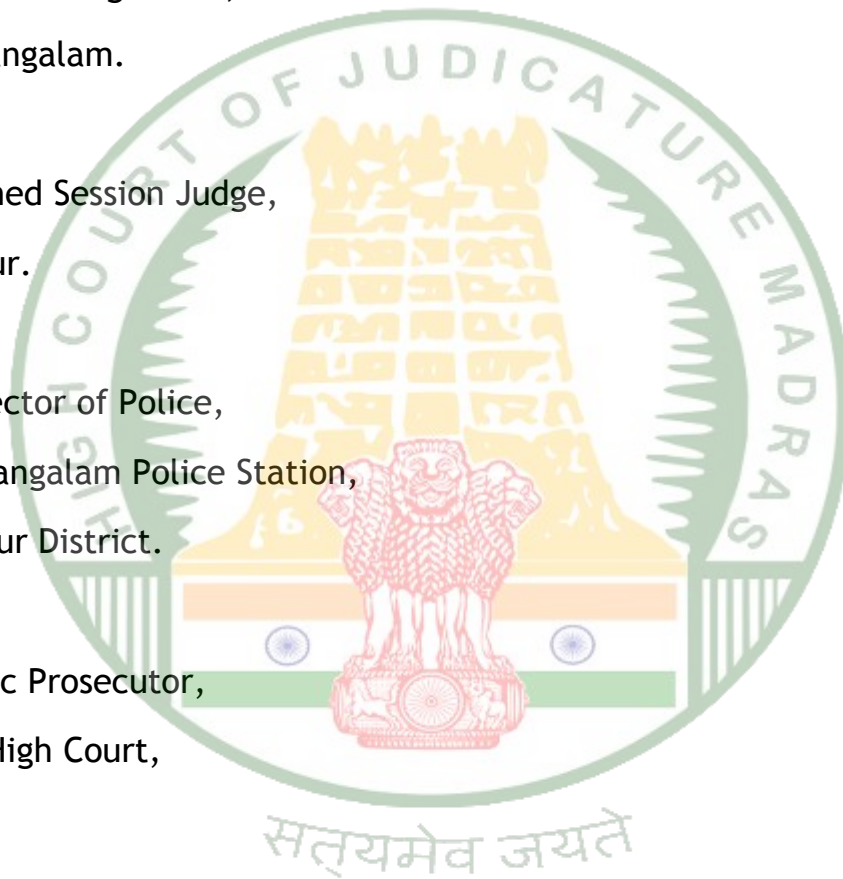
To

1. The learned Distirct Munsif
cum Judicial Magistrate,
Needamangalam.

2. The learned Session Judge,
Thiruvarur.

2. The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.

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



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G.K.ILANTHIRAIYAN, J

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