

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

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

Crl.O.P.No. 9263 of 2020

1. Mani
S/o. Thangavel

2. Amsa @ Amsavalli
W/o. Mani
Both are residing at
2/193 C, Kattukotai,
Aragalur Village and Post,
Attur Taluk,
Salem District.

3. Madhavan
S/o. Mani
residing at
2/56, Mannathi Street,
Aragalur Village and Post,
Salem District.

... Petitioners/ Accused 1 to 3

Vs.

State Rep. by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
Cr. No.397 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 their arrest in Crime No.397 of 2020 pending on the file of the The Inspector of Police, Thalaivasal Police Station, Salem District.

For Petitioners : Mr.N.Sudharsan

For Respondent : 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 294 (b), 323, 324 and 506 (ii) of IPC, in Crime No.397 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute among the relatives, on the date of incident, the accused persons have abused and attacked the defacto complainant with hands.

3. The learned counsel for the petitioners 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 petitioners attacked the defacto complainant and the injured discharged from the hospital. He further submit that there is no previous case against the petitioners. Hence he vehemently 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-II, Attur, Salem, on condition that each of the

petitioners shall execute a 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

24.06.2020

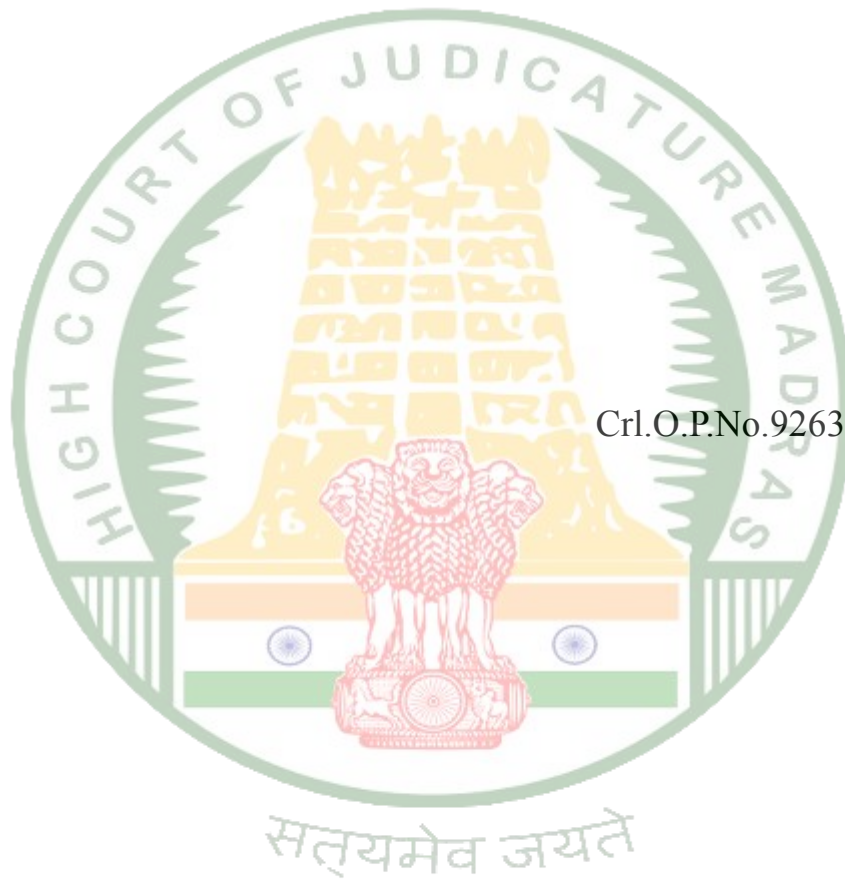
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Internet: Yes/No
Speaking/Non-Speaking order
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To

1. The Judicial Magistrate - II,
Attur, Salem.
2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J

dh



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