

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

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

CrI.O.P.No.9356 of 2020

1. Amaresan, S/o.Mani
2. Elumalai, S/o.Chinnapaiyan
3. Mani, S/o.Chinnapaiyan
4. Muthuvani, W/o.Elumalai,
All are residing at
Lallayi Sorathur Village,
Kilpennathur Taluk,
Tiruvannamalai District.

... Petitioners

सत्यमेव जयते
Vs.

The State Rep. by:
The Inspector of Police,
Vettavalam Police Station,
Vettavalam,
Tiruvannamalai District.
Cr. No.1036 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.1036 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar
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 147,148,294(b), 323, 324 and 307 of IPC in Crime No.1036 of 2020 seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, there was a quarrel between the petitioners and the defacto complainant and it is alleged that the petitioners attacked the defacto complainant's father and brother with iron rod and caused injury. Hence, the complaint.

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. There was a case in counter in Cr.No.1035 of 2020. 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's father and brother and that the injured discharged from the hospital. There was a case in counter in Cr.No.370 of 2020. 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, Tiruvannamalai, 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, out of which, one surety shall be blood related surety, 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 1 to 3 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 and insofar the fourth petitioner is concerned, she shall report before the respondent police 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/s, a fresh FIR can be registered under Section 229A IPC.

25.06.2019

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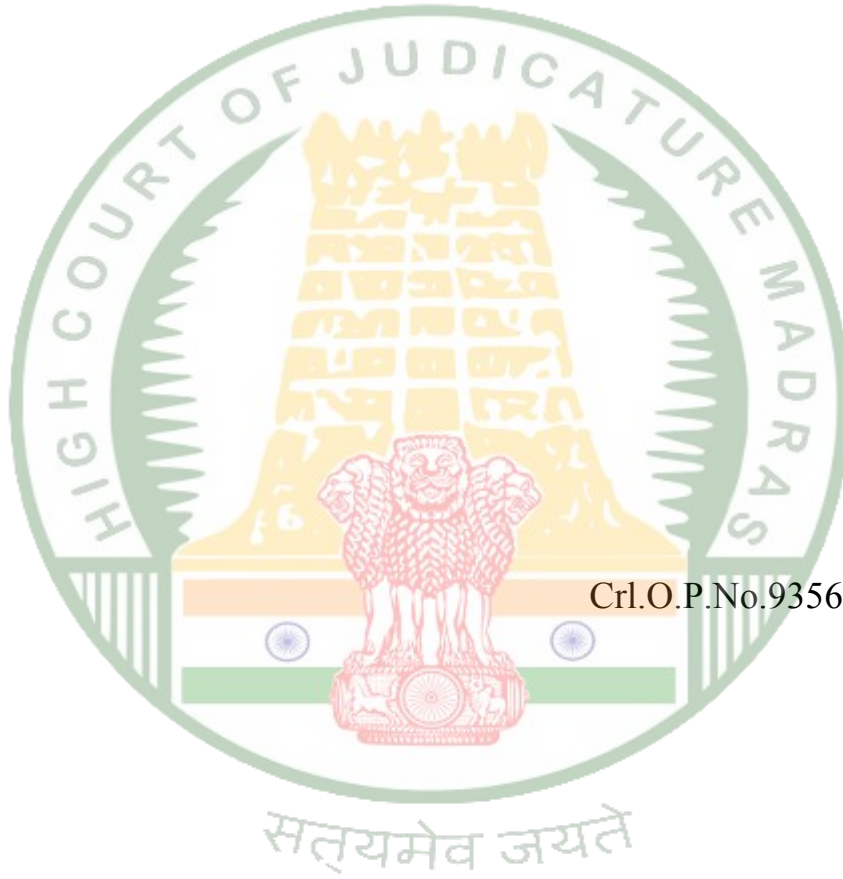
To

1. The Judicial Magistrate II, Tiruvannamalai
2. The Inspector of Police,
Vettavalam Police Station,
Vettavalam,
Tiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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