

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2020

CORAM

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

Crl.O.P.No.9358 of 2020

1.Ravichandran M/A 53 years
S/o Thalyalu
NO.2/134, Thoppu Theru
Aattur, Ezhiloor
Nunakkadu, Ezhilur,
Thiruvarur District 614715.

2.Guruchantharsh M/A 22 years
S/o. Ravichandran
NO.2/134, Thoppu Theru
Aattur, Ezhiloor
Nunakkadu, Ezhilur,
Thiruvarur District 614715.

3. Prabhavathi F/A 46 years
W/o.Irulaiyan
NO.2/134, Thoppu Theru
Aattur, Ezhiloor
Nunakkadu, Ezhilur,
Thiruvarur District 614715.

... petitioners/A1 to A3

Vs.

State Rep. by
The Inspector of Police,
Thiruthuraipoondi Police Station,

Thiruvarur District.
Cr. No.1640 of 2020

...

Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1640 of 2020 on the file of the respondent police.

For petitioners : Mr. S.Arivazhagan

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) & 307 of IPC, in Crime No.1640 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel arose between the petitioners and the defacto complainant due to removing the tree in the backyard of defacto complainant's house and it is alleged that the petitioners abused him with filthy language and took the hidden aruval and assaulted him in head. Hence, the complaint.

3. The learned counsel for the petitioners submitted 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 submitted that the petitioners in this case are ranked as A1 to A3. He further submitted that a wordy quarrel arose in between them, the petitioners attacked the defacto complainant with dire consequences and caused head injury. Hence the defacto complainant admitted in hospital and later, the injured discharged from the hospital. There is no previous case pending against the petitioners.

5. Considering the above facts 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, Thiruthuraipoondi, 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 a blood related surety, 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 four 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/s, a fresh FIR can be registered under Section 229A IPC.

सत्यमेव जयते

25.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

jrs

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G.K.ILANTHIRAIYAN, J

jrs

To

1.The Judicial Magistrate, Thiruthuraipoondi.

2. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.

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

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