

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

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

CrI.O.P.No. 9462 of 2020

1. U. Manikandan

2. Kathiresan

Both are residing at
Ayyanar Koil Street, Karukakudi (PO)
Thiruvavarur District

...Petitioners

Vs.

State rep. by The Inspector of Police
Thiruvavarur Taluk Police Station
Thiruvavarur.

Crime. No.1013 of 2020

... Respondent

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.1013 of 2020 on the file of the respondent police.

For Petitioners : Mr. P. Muthamizh Selvakumar

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), 324, 506(ii) and 307 of IPC, in Crime No.1013 of 2020 seek anticipatory bail.

2. The case of the prosecution is that on 18.05.2020 when the defacto complainant's son was playing in front of his house, the first petitioner drove his two wheeler in a very rash and negligent manner and on being warned by the defacto complainant, the first petitioner, on 19.05.2020, along with four other persons attacked the defacto complainant and he sustained injuries on the head and was admitted in the hospital. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected in the offence and 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 caused head injury and the injured discharged from the hospital and there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured 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, Thiruvarur, 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 blood related 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.

26.06.2020

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

To

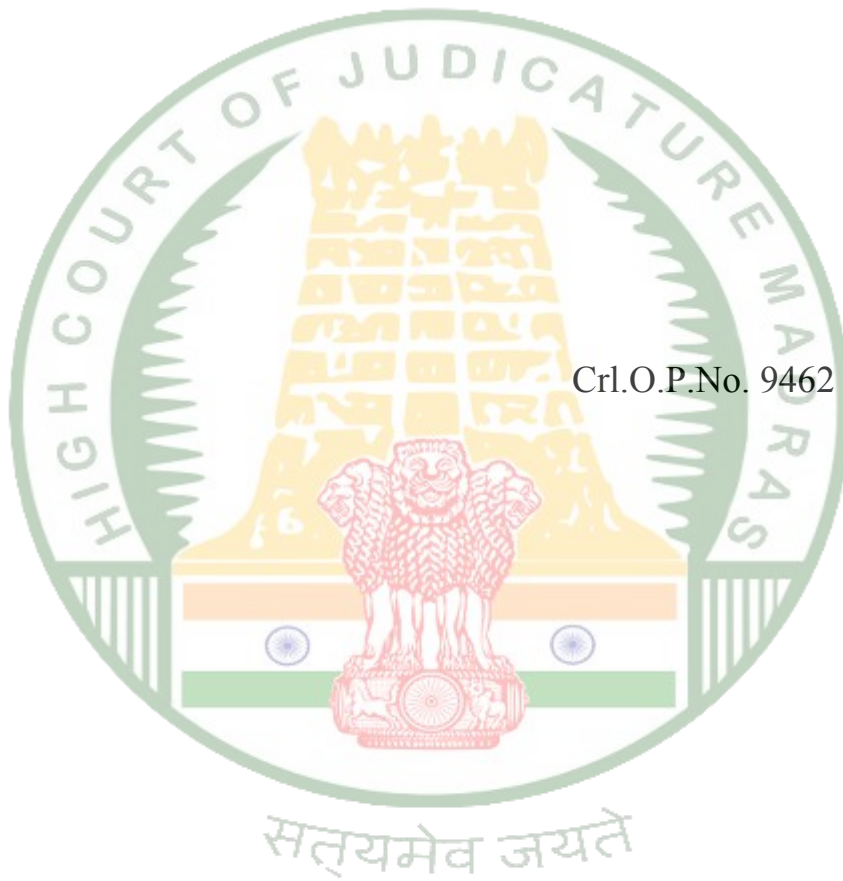
1. The Judicial Magistrate, Thiruvarur,
2. Inspector of Police
Thiruvarur Taluk Police Station
Thiruvarur.
3. The Public Prosecutor,
Madras High Court,
Chennai.

सत्यमेव जयते

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G.K.ILANTHIRAIYAN, J

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