

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9525 of 2020

1. Selvam Suntharamoorthy

2. Manikandan Selvam

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Vaippar Police Station, Thiruvarur.
(Cr. No.325 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.325 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.Prabu

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
294(b), 324 and 506(ii) of IPC, in Crime No.325 of 2020, on the file
of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that there was a wordy
quarrel between the petitioners and the defacto complainant with
regard to the Tank situated at the entrance of the house of the
petitioners. The petitioners attacked the defacto complainant and
her mother-in-law and also abused them in a filthy language due to
previous enmity with regard to the said Tank. Hence, the complaint.

3. The learned counsel appearing for the petitioners would
submit that the petitioners are innocent persons and even as per FIR
and the complaint, the defacto complainant's mother-in-law only
started the quarrel and attacked the first petitioner. The
petitioners have also lodged a complaint against the defacto
complainant which was registered in Crime No.326 of 2020. Hence, he
prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there was a wordy quarrel between the parties due to the previous enmity. He further submitted that the injured discharged from the Hospital and there are no previous cases pending against the petitioners. Hence, the learned Public Prosecutor 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 Principal Sessions Judge, Thiruvarur, on condition that each of the petitioner 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
THIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VAIPPUR POLICE STATION,
THIRUVARUR DISTRICT

CC to M/S.D.PRABU Advocate on payment of necessary charges

CRL OP.9525/2020

Date : 29/06/2020

cs 23/07/2020

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