

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9629 of 2020

1. S.Uthirakumar
2. P.Sakthivel
3. V.Jayakumar

... Petitioners

Vs.

The State rep by
Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
(Crime No.1101/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.1101 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.B.Viswanathan

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 offences punishable under Section 147, 148,
294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.1101 of 2020,
seek anticipatory bail.

2. The case of the prosecution is that on 23.05.2020 at about
09.00 p.m., when the defacto complainant, her husband and few
villagers have tried to stop the 1st accused and his accomplices from
committing the theft of river sand at Cheyyar river bed, the 1st
accused along with 8 others including the petitioners have scolded
them in obscene language and threatened to kill them. They have also
attacked them with deadly weapons, thereby caused grievous injuries
all over bodies and attempted to kill them. Hence, the present
complaint.

3. The learned counsel for the petitioners would submit that the
petitioners have not committed any offence as alleged by the
prosecution and they have been falsely implicated in the present
case. There is no previous antecedents against the petitioners.
Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that when the defacto complainant, her husband and few villagers have tried to stop the 1st accused and his accomplices from committing the theft of river sand at Cheyyar river bed, the 1st accused along with 8 others including the petitioners have scolded them in obscene language and they have attacked them with deadly weapons in order to kill them. The injured was discharged from the hospital. There is no previous case against the petitioners and as such, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Kalasapakkam, on condition that the petitioners shall execute a 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 appear 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, 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 JUDICIAL MAGISTRATE,
KALASAPAKKAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges

CRL OP.9629/2020

Date :29/06/2020

cs 24/07/2020

WEB COPY