

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9644 of 2020

1. Elayaraj
2. Gulsath

... Petitioners/ Accused 1 & 2

Vs.

State Rep. by
The Inspector of Police,
Kottur Police Station,
Tiruvarur District.
Cr. No.795 of 2020

... Respondent/Complainant

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.795 of 2020 on the file of the respondent Police Kottur Police Station, Tiruvarur District.

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 offences punishable under Sections 294 (b), 324 and 506 (ii) of IPC, in Crime No.795 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 10.06.2020 at about 8.00 a.m, there occurred a wordy quarrel between the petitioners and the defacto complainant in connection with the the collapse of sand mound in front of the house of the defacto complainant. When the defacto complainant asked the first petitioner's mother to remove the sand which pours in front of his house, the second petitioner scolded the defacto complainant in filthy language and assaulted him with rod and pushed him down and kicked him on his chest. Further the first petitioner also attacked the defacto complainant's mother and sister and one neighbour by using the iron rod, as a result of which they sustained injuries.

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. 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 the injured discharged from the hospital. He further submit that there is no previous case against the petitioners. Hence 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 Principal Sessions Judge, 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 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.

-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,
KOTTUR POLICE STATION,
THIRUVARUR.

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

CRL OP.9644/2020

Date : 29/06/2020

cs 03/08/2020

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