

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9687 of 2020

1. Surya @ Manikandan
S/o. Vedhachalam,
No.140, Moovaloor Ramamithammal Street,
Athur Village, Sholavaram,
Thiruvallur District.
2. Thennarasu, S/o. Doss,
No.3/283, Perumal Koil Street,
Athur Village, Sholavaram,
Thiruvallur District. Petitioners

Vs.

State Rep. by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
Cr.No.1915 of 2020 Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to release the petitioners on bail in the event of their
arrest in Crime No.1915 of 2020 pending investigation on the file of
the respondent police on such terms and conditions.

For Petitioners : Mr.P.K.Ilavarasan
For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

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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.1915 of 2020, seek anticipatory
bail.

2. The case of the prosecution is that on 24.05.2020 at about
3.30 p.m., the de-facto complainant and his nephew were standing near
his house. At that time, the petitioners went there, abused them in
unparliamentary words and attacked them with wooden log and caused
head injury. Hence, the complaint.

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 de-facto complainant with wooden log and now, 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 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-II, Ponneri, 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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.P.K.ILAVARASAN Advocate on payment of necessary charges

CRL OP.9687/2020

Date :29/06/2020

rd 28/07/2020

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