

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9750 of 2020

1. Sivaprakasam ... Petitioners
2. Govindaraj
3. Kalimuthu
4. Kali
5. Kali
6. Jayakodi
7. Pavithra
8. Nirmala
9. Kuppammal
10. Ramachandran
11. Sathiyaraj

Vs.

State Rep. By ... Respondent
The Sub Inspector of Police,
Thirupattur Taluk Police Station,
Vellore District.
Cr. No.491 of 2020

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioners in the event of their arrest in connection with Crime No.491 of 2020 on the file of the respondent police.

For Petitioners: Mr.C.Anbu

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC, in Crime No.491 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that due to wordy quarrel and clash over land dispute the petitioners attacked the defacto complainant and caused injuries. Hence, a case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been

falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to wordy quarrel and clash over land dispute, the petitioners attacked the de-facto complainant. He would also submit that the injured has been discharged from the hospital and there are no previous case pending against 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 Judicial Magistrate II, Thirupattur Vellore District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/06/2020

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,
VELLORE.

3 THE JUDICIAL MAGISTRATE II,
THIRUPATTUR, VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
THIRUPATTUR TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S M.R.THANGAVEL Advocate on payment of necessary charges

CRL OP.9750/2020

Date :30/06/2020

MN-RVR-27/08/2020

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