

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9929 of 2020

1. Sukumaran
2. Kumar

... Petitioners/A1 &A2

Vs.

The State rep by
The Inspector of Police,
Kilkodungalore Police Station,
Thiruvannamalai District. ... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.1021 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.R.Appaswamee

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

* * * * *

O R D E R

The Petitioners who are apprehending to arrest by the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 353, 506(ii) & 307 of IPC, in Crime No.1021 of 2020, seeks anticipatory bail.

2. The case of the prosecution that the daughter of the relative of the accused persons was eloped with other boy. Therefore, the petitioners' relative lodged a complaint and the same was registered in Crime No.1625 of 2020 for "girl missing". Thereafter, the victims are being the policemen, to trace out the victim girl, visited the house of the petitioners' relatives namely the defacto complainant in Crime No.1625 of 2020. There, there was a quarrel between the victims and the entire relatives of the petitioners, in which the victims sustained grievous injuries and also their teeth were broken. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. The victims have come to their village in un-uniform. Due to love affair, the daughter of their relative eloped with one boy. Therefore, quarrel arose between the villagers and the victims. Due to which, they sustained injuries. So far as the petitioners are concerned, they are noway connected with the alleged occurrence and the injuries sustained by the victims. Hence, he requested to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 7 named accused and also the other accused persons in which the petitioners are arrayed as A1 and A2. On the complaint lodged by the defacto complainant, a case was registered in Crime No.1625 of 2020, for girl missing. In respect of the said complaint and the victims being the police personnels visited the defacto complainant's house to trace the victim girl. Therefore, there was a quarrel between the villagers and the victims and also they attacked the victims. Therefore, they sustained grievous injuries and teeth were broken. The injured persons were discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. This Court is of the opinion that both the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each (separately) as non refundable deposit to the credit of the **Chief Minister Public Relief Fund, Tamilnadu** without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Considering the above facts and circumstances of the case and the nature of the allegations and also the petitioners along with others have attacked the victims without knowing them as police personnels and already their relative girl is missing and also the fact that the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, each of the petitioners are directed to deposit a sum of Rs.10,000./- (Rupees Ten Thousand only) separately as non refundable deposit to the credit of the **Chief Minister Public Relief Fund, Tamilnadu** within a period of two weeks from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate, Vandavasi**, on condition that the 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 each of petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) separately to the credit of the **Chief Minister Relief Fund, Tamilnadu**, and shall produce the said receipts before the Court below.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. Accordingly, this Criminal Original Petition is ordered.

-sd/-

02/07/2020

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KILKODUNGALORE POLICE STATION,
THIRUVANNAMALAI DISTRICT.

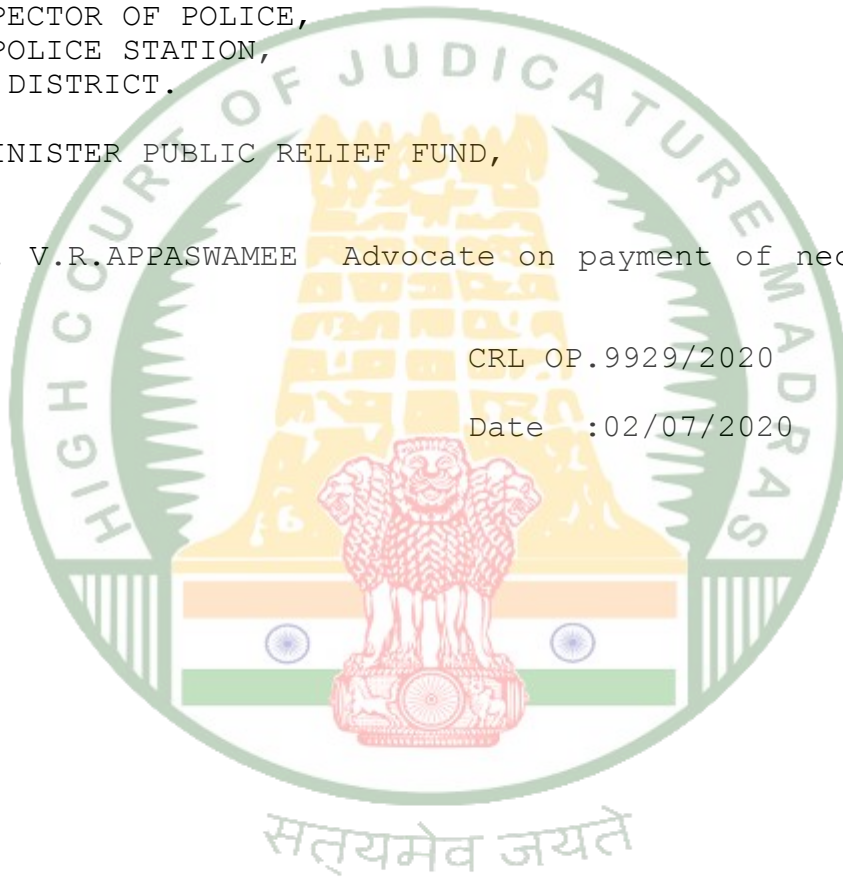
5 THE CHIEF MINISTER PUBLIC RELIEF FUND,
TAMILNADU

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

CRL OP.9929/2020

Date :02/07/2020

MK:14/08/2020



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