

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

CrI.O.P.No.10113 of 2020

1. Subramanian
2. Ranjith
3. Arun
4. Singaravelu
5. Sakthivel

... Petitioners/A1 to A5

Vs.

The State Rep. by  
The Inspector of Police,  
Vaipoor Police Station,  
Thiruvarur District.  
Crime No. 337 of 2020.

... Respondent

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.337 of 2020 on the file of the respondent police.

For Petitioners : Mr. Greetha Senthilkumar

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 147, 148, 294(b), 324, 323 & 506(ii) IPC in Crime No.337 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 28.05.2020 at about 9 p.m., when the de-facto complainant was going to his house in his tractor, he found a tree fell on his way. Therefore, the de-facto complainant tried to remove the tree from his way. At that time, the petitioners who have previous enmity with the de-facto complainant, abused him in filthy language, attacked him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected in this case. Further he would submit that there is a case in counter against the defacto complainant. Earlier the defacto complainant and his men had attacked the petitioners due to which, the 1<sup>st</sup> petitioner sustained injuries and was admitted in a Government Hospital, Thiruvavarur. Following which, the petitioners had lodged a complaint against the defacto complainant and the present case has been lodged as a counter. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there are no previous cases against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that there is a case in counter and 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, Thiruvavarur, on condition that each of the petitioner 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. सत्यमेव जयते

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/07/2020

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,  
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VAIPOOR POLICE STATION,  
THIRUVARUR DISTRICT.

CC to M/S. GREETHA SENTHILKUMAR Advocate on payment of  
necessary charges

CRL OP.10113/2020

Date :03/07/2020

MK:17/08/2020