

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10160 of 2020

1. Raja
2. Reegan
3. Stalin
4. Sridhar
5. Aravinth @ Aravinthan
6. Selvaprasanna

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District.
Cr. No.803 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.803 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Vijayaragavan

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, 341, 324 and 506(ii) of IPC, in Crime No.803 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the de-facto complainant, as a result of which, the petitioners had assaulted the de-facto complainant with hands and wooden log and threatened him with dire consequences. Hence, the complaint.

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. He would further submit that the de-facto complainant is a member of the rival political party and he had trespassed into the panchayat office and caused damage to the furnitures and the files. He would further submit that the petitioners have given a complaint before the respondent police as against the de-facto complainant in Crime No.800 of 2020. Thereafter, as a counter blast three complaints have been received from the de-facto complainant and false cases have been registered in Crime Nos.801, 802 and 803 of 2020. He would further submit that all cases are foisted due to political animosity. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioners and the de-facto complainant, as a result of which, the petitioners had assaulted the de-facto complainant with hands and wooden log and threatened him with dire consequences. He would further submit that four previous cases are pending as against the first petitioner and two cases are pending as against the petitioners 2, 3 and 6. He would further submit that there is no previous case pending as against the petitioners 4 and 5. He would further submit that there is a counter case. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, 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, Thiruthuraipoondi, 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 three weeks and thereafter, every Monday at 05.30 p.m until further orders.

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

-sd/-
07/07/2020

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.10160/2020

Date :07/07/2020