

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10163 of 2020

1. Arumugam
2. Dhanush
3. Babu @ Panson

... Petitioners

Vs.

State By
The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
Crime No.165 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of arrest in connection with Crime No.165 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Thimizhazhagan

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294 (b), 323, 506 (I) of IPC, in Crime No.165 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had lodged a complaint against one Sridhar who was working as a Cook in the defacto complainant's college by stating that, since the defacto complainant questioned the said Sridhar for his disobedience, he went to his native village and came back with his village people/petitioners herein and attacked the defacto complainant. As a result of which, the defacto complainant sustained injuries.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured/defacto complainant has been discharged from the hospital and further submitted that there is no previous case against the petitioners. However, he opposed for the grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case, the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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, Arakkonam, Ranipet, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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.

6. With the above directions, this Criminal Original Petition is ordered.

-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,
ARAKKONAM, RANIPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THAKKOLAM POLICE STATION,
RANIPET DISTRICT.

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

CRL OP.10163/2020

Date :07/07/2020

RVR 01/09/2020

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