

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.10199 of 2020

1.Kanniyappan
2.Gothandam
3.Palani
4.Raji
5.Jayaram
6.Kumaresan
7.Mayan
8.Suresh

... Petitioners

- Vs. -

State rep. By its
The Inspector of Police,
Madurantakam Police Station,
Chengalpattu District.
(Crime No.899 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of arrest in Crime No.899 of 2020 on the file of the respondent police.

For Petitioners: Mr.V.Bhagiradhan

For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 447, 294(b), 324 and 506(ii) of IPC in Crime No.899 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners are said to have assaulted the de facto complainant and his son with deadly weapons.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent police would submit that the petitioners assaulted the de facto complainant and his son with deadly weapons. He would submit that it is a case in counter and that the injured have been discharged from the hospital.

5. Considering the facts 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, Madurantakam on condition that 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 learned 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 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 Judicial 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.

7. 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,
MADURANTAKAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MADURANTAKAM POLICE STATION,
CHENGALPATTU DISTRICT.

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

CRL OP.10199/2020

Date :07/07/2020

RVR 02/09/2020

सत्यमेव जयते

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