

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10344 of 2020

Raji

... Petitioner

Vs.

State Represented by :-

The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai District
(Cr. No.760 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 his
arrest, in connection Crime No.760 of 2020, on the file of the
Respondent police.

For Petitioner : Mr.V.R.Appaswamee

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 323, 294(b), 324, 506(ii) and 307 of IPC in Crime No.760
of 2020, on the file of the respondent police, seek anticipatory
bail.

2. The case of the prosecution is that on 08.05.2020 at about
09.00 p.m. the respondent received an intimation from Cheyyar
Government Hospital, where one Raja Sekar was taking treatment. The
respondent went to the hospital and recorded statement of the said
Raja Sekar who has said that there was a wordy quarrel between his
brother Raja and the petitioners for which the petitioners and some
other persons trespassed into his house, brutally attacked him and
his brother Raja and caused injuries to both of them.

3. The learned counsel appearing for the petitioner would submit
that already there was some enmity between one Raja and some other
persons who belongs to a rival party and the petitioner has been
falsely implicated in this case. The petitioner never attacked the
said Raja Sekar and his brother Raja. Due to political rivalry, the
petitioner has been falsely implicated in this case however, both the
groups belongs to the different community. He further submitted that

co-accused have been granted bail by this Court vide Crl.O.P.No.8338 of 2020. Hence, he seeks grant of anticipatory for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on intimation from the Government Hospital, Cheyyar, the respondent police had recorded the statement of the Raja Sekar who was taking treatment as inpatient. A1 & A2 along with this petitioner and others, have caused injuries to the said Raja Sekar on his left hand wrist and his brother Raja got injured on his right hand wrist and left hand shoulder. He further submitted that the injured has been discharged from the hospital. However, since there was a clash between two groups, if the petitioner returns back to the village, it would disturb the peace of the public and cause nuisance in the village. Hence, he opposed for the grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the injured has been discharged from the hospital and the co-accused have been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, before the learned Magistrate, Cheyyar, on condition that the petitioner shall execute a 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 conditions that:

[b] the petitioner 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.

[c] the petitioners shall stay at Villupuram and report before the Inspector of Police, Town Police Station, Villupuram, daily at 10.30 a.m. for a period of two weeks and thereafter before the respondent police on every Monday at 10.30am until further orders.

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

[e] the petitioner 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 petitioner 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.

8.With the above directions, these Criminal Original Petition is ordered.

-sd/-

10/07/2020

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,
CHEYYAR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
MORANUM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.10344/2020

Date :10/07/2020

RVR 03/09/2020