

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.10343 & 10356 of 2020

Ethiraj,
S/o.Natarajan,
No.227, Palla Street,
Ramakrishnapuram,
Cheyyar,
Thiruvannamalai District.

... Petitioner in
Crl.O.P.No.10343 of 2020

J.Srinivasan,
S/o. Jayaraman,
Road Street, Bootheri Pullivakkam Village,
Cheyyar Taluk,
Thiruvannamalai District.

... Petitioner in
Crl.O.P.No.10356 of 2020

Vs.

State Represented by :-
The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai District

... Respondent in
Crl.O.P.No.10343 of 2020

The Inspector of Police,
Moranam Police Station,
Thiruvannamalai District
(Cr. No.760 of 2020

... Respondent in
Crl.O.P.No.10356 of 2020

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 connection Crime No.760 of 2020, on the file of the
Respondent police.

For Petitioner
in Crl.O.P.No.10343 of 2020 : Mr.V.R.Appaswamee
For Petitioner
in Crl.O.P.No.10356 of 2020 : Mr.G.Punniakoti

For Respondent
in both Crl.O.Ps : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

<https://hcservices.ecourts.gov.in/hcservices/>, 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 petitioners would submit that already there was some enmity between one Raja and some other persons who belongs to a rival party and the petitioners have been falsely implicated in this case. The petitioners never attacked the said Raja Sekar and his brother Raja. Due to political rivalry, the petitioners have 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 petitioners

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 these petitioners 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 petitioners return 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 petitioners.

5. Taking into consideration the nature of allegations against the petitioners 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 petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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 petitioners shall execute 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 conditions that:

[b] 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.

[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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
09/07/2020

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.

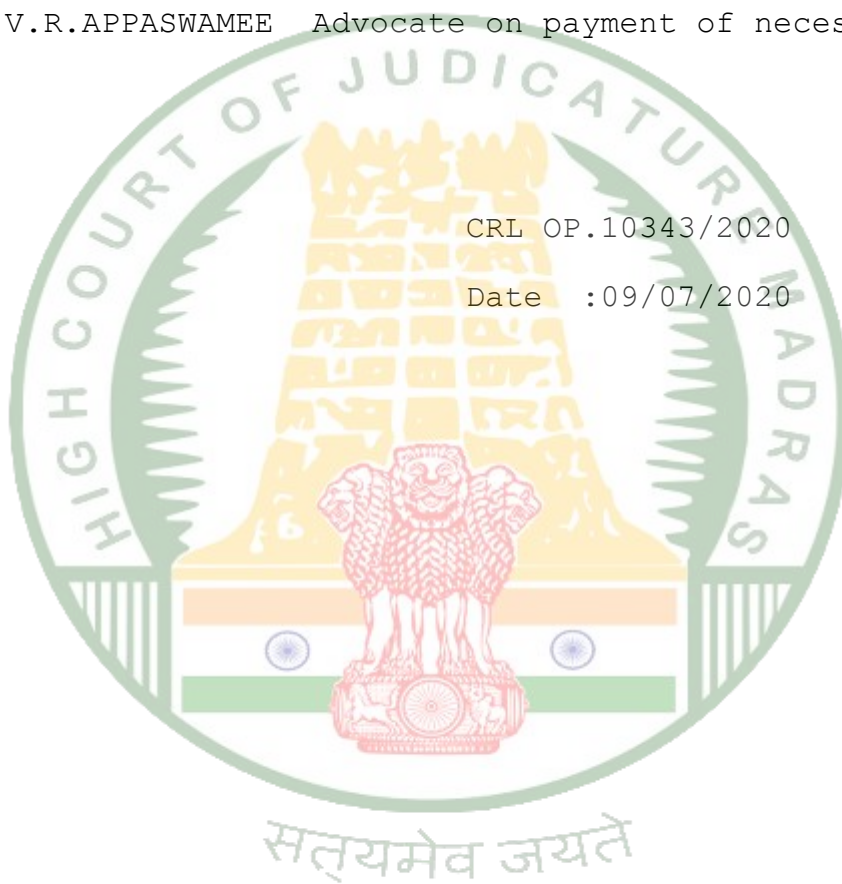
3 THE SUB INSPECTOR OF POLICE,
MORANAM POLICE STATION,
THIRUVANNAMALAI DISTRICT

4 THE INSPECTOR OF POLICE
TOWN POLICE STATION,
VILLUPURAM

5 THE INSPECTOR OF POLICE,
MORANAM POLICE STATION,
THIRUVANNAMALAI DISTRICT

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

RD 12/08/2020



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