



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2020

CORAM:

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

Cr1.O.P.No.10341 of 2020

1.Mohanraj
2.Lenin@ Mohan
3.Balaji
4.Arumugam
5.Vijaya
6.Purushothaman

... Petitioners

Vs.

State By
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
Crime No.1952 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioners on bail, in the event of their arrest by the respondent police in the case pending investigation in Crime No. 1952 of 2020, on the file of the Respondent Police.

For Petitioner : Mr.R.Thamaraiselvan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections **147, 148, 294 (b), 323, 324, 506(ii), 307 IPC in Crime No.1952 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to dispute in respect of parking of Tempo Traveller, the petitioners have assaulted the defacto complainant and her relatives. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case. He further submitted that the defacto



complainant and his relatives are aggressors. They assaulted the petitioners and their relatives following which, a complaint was lodged against the defacto complainant and his relatives and the same has been registered in Crime No.1996 of 2020. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate submitted that during the incident, five persons got injured and now all of them have been discharged from the hospital. However, he opposed for the grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case, there is a case in counter and that the injured have been discharged from the hospital and this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate, Pollur, on condition that the each 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 condition 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 Thiruvannamalai and report before the Inspector of Police, Town Police Station, Thiruvannamalai, daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30am until further order. The petitioners shall not enter into the jurisdictional limits of the respondent police 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, this Criminal Original Petition is 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,
POLLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THIRUVANNAMALAI.

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

CRL OP.10341/2020

Date :09/07/2020

MN-RD-17/08/2020