

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.10620 of 2020

1. Azarudeen
2. Farith Ahamed
3. Riswan @ Mohamed Riswan
4. Sathiq @ Jagabar sadiq

... Petitioners

Vs.

State Rep.by
Inspector of Police,
Koothanallur police station,
Thiruvarur District.
Crime No.1121 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 their arrest in Crime No. 1121 of 2020 on the file of the respondent police.

For Petitioners : Mr.Swamisubramanian

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

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.1121 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was returning from the play ground, the petitioners waylaid and abused the defacto complainant in filthy language. Further, A1 stabbed the defacto complainant by using knife and A2 to A4 attacked the defacto complainant and his friends by using iron rod and also threatened them with dire consequences and thereby the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners waylaid and abused the defacto complainant in filthy language and also assaulted the defaco complainant and his friend by using knife and iron rod. He further submitted that there are no previous cases pending against the petitioners and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate No.II, Mannargudi, Thiruvarur District, 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 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 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.

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

-sd/-
16/07/2020

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 NO.II METROPOLITAN MAGISTRATE,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.10620/2020

Date :16/07/2020

RVR 04/09/2020