

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.10682 of 2020

1. Silambarasan ... Petitioners
2. Elavarasan
3. Vignesh

Vs.

State rep by ... Respondent
The Sub Inspector of Police,
Peralam Police Station,
Thiruvavur District,
Crime No.1691 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 Crime No.1691 of 2020 on the file of the respondent
police.

For Petitioners : M/s.P.Muthamizh Selvakumar
S.Esakkimuthu
P.Inthumathi
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294
(b), 324 and 506(ii) IPC in Crime No.1691 of 2020, on the file of
the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1's daughter was
affected with Corona. On the date of occurrence, the petitioners
along with A1, were standing on the road, abused others for
spreading rumours about A1's family as Corona virus family. When the
defacto complainant and his son questioned the same, the petitioners
and A1, assaulted both of them with an iron rod and threatened them
with dire consequences thereby, the defacto complainant and his son
sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the defacto complainant and his son were spreading rumours about A1's family due to which, there was a quarrel between the accused persons and the defacto complainant during which, the son of the defacto complainant attacked the accused persons resulting in the 2nd petitioner herein sustaining injuries. Therefore, A1 had lodged a complaint at the defacto complainant and his son and the same has been registered in Crime No.1690 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to wordy quarrel, the petitioners and the other accused abused and assaulted the defacto complainant and his son. He would further submit that the victims have been discharged from the hospital and there are no previous cases pending against the petitioners. 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 victims have been discharged from the hospital and that there is a case in counter, 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 Judicial Magistrate, Nannilam, 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 every Monday 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 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/-

17/07/2020

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,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges

CRL OP.10682/2020

Date :17/07/2020

TA-25/08/2020