

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.10690 of 2020

1. Dhamothiran ... Petitioners
2. Sivakumar
3. Rajivelu
4. Saravanakumar

Vs.

State rep by ... Respondent
The Inspector of Police,
Veppan kuppam police station,
Vellore District.
Crime No.586 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.586 of 2020 on the file of the respondent police.

For Petitioners : M/s.E.Kannadasan

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 publishable under Sections 147,
148, 294(b), 323, 324 and 506(ii) IPC in Crime No.586 of 2020, on
the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant
went to Bajanai temple. At that time, some persons were removing the
flex banner outside the temple and that was witnessed by the defacto
complainant. On the next day, the village people separated into two
groups and were talking about the removal of the banner. Suddenly,
the petitioners and other accused, abused the defacto complainant
and assaulted him with stones and knife and thereby, the defacto
complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that on
the date of occurrence, there was a panchayath regarding the removal

of the flex banner. At that time, the defacto complainant abused the Panchayathars. Therefore, the defacto complainant was questioned by some of the villagers due to which, a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to a dispute with regard to removal of flex banner from the temple, wordy quarrel arose between the petitioners and the defacto complainant during which, the petitioners assaulted the defacto complainant resulting in the defacto complainant sustaining injuries on his head, lips and shoulder. He would further submit that the victim has been discharged from the hospital and there is also a previous case 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 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 Judicial Magistrate No.III, Vellore, 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 NO.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VEPPAN KUPPAM POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10690/2020

Date :17/07/2020

TA-25/08/2020

WEB COPY