

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10804 of 2020

1.Arasan ... Petitioners
2.Mathiyalagan

Vs.

State rep. By, ... Respondent
The Inspector of Police,
Anaikaranchatram Police Station,
Nagapattinam District.
Crime No.742 of 2020

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police, pending investigation of the case in Crime No.742 of 2020 on the file of the respondent.

For Petitioners : Mr.M.Vijayaragavan
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), 324 and 506(ii) of IPC in Crime No.742 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners along with other accused attacked the de-facto complainant with deadly weapons and threatened with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that due to previous enmity, the petitioners have been falsely implicated in this case. He would further submit that the

17.07.2020 by the Judicial Magistrate, Sirkali. Hence, he prays to grant anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent Police would submit that insofar as the first petitioner is concerned, he has involved in five previous cases out of which, one case for Section 302, 3 cases for sand theft and another case for assault. As far as the second petitioner is concerned, he has involved in three previous cases out of which, 2 cases for sand theft and 1 case for assault. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw the petition insofar as, the first petitioner is concerned.

6. In view of the above submissions, **this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.**

7. However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the **second petitioner** subject to the following conditions;

8. Accordingly, the **second petitioner** is directed to be released on bail in the event of his arrest or on his 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, Sirkali, on condition that the **second 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:

[a] the **second petitioner** 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 **second petitioner** shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the **second petitioner** shall not tamper with evidence or witness either during investigation or trial.

[d] the **second petitioner** 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 **second petitioner** in accordance with law as if the

conditions have been imposed and the **second petitioner** 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/07/2020

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,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.10804/2020

Date :20/07/2020

TA-21/08/2020