

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.OP.No.10904 of 2020

1. Nagamuthu
2. S.Vedhachalam
3. K.Shanmugasundaram

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Sadras Police Station,
Chengalpattu District,
Crime No. 771 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.771 of 2020 on the file of the
respondent police.

For Petitioners : M/s.M.Kannan
K.Thenrajan
S.Krishnamoorthy

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
147, 148, 294(b), 324, 307 and 506(ii) IPC in Crime No.771 of
2020, on the file of the respondent police, seek anticipatory
bail.

2. The case of the prosecution is that due to political
dispute, the petitioners and other accused, abused and assaulted
the defacto complainant with deadly weapons and thereby the
defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent and they have not committed any offence
as alleged by the prosecution and that a false case has been
foisted against them. Hence, he prays for grant of anticipatory

4. The learned Additional Public Prosecutor submitted that during a wordy quarrel, the petitioners and other accused, abused and assaulted the defacto complainant with deadly weapons resulting in the defacto complainant sustaining injuries on his face. He further submitted that there are no previous cases pending against the petitioners and the victim has been discharged from the hospital and the co-accused have been granted anticipatory bail in CrI.OP.No.10643 of 2020 by order dated 16.07.2020. 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 and that there are no previous cases pending against the petitioners, 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, Thirukalukundram, 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/-
22/07/2020

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,
THIRUKALUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION,
CHENGALPATTU DISTRICT.

+1CC to M/S. M.KANNAN Advocate on payment of necessary charges Sr.No.5754

CRL OP.10904/2020

Date :22/07/2020

MK:28/07/2020