

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.10829 of 2020

1. K.Balaiyan
2. S.Sasikumar
3. K.Anbazhagan

... Petitioners

Vs.

State rep by
The Inspector of Police,
Nannilam Police station,
Thiruvavarur District.
Crime No.1319 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.1319 of 2020 on the file of the respondent police.

For Petitioners : M/s.A.Yamuna

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 341, 294
(b), 323, 324 and 506(ii) IPC in Crime No.1319 of 2020, on the file of
the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have
waylaid the defacto complainant and assaulted him and caused injury
and abused him with filthy language and threatened him with dire
consequences. 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 and nothing to do with the alleged offences said to have
committed by them. Hence, he prays for grant of anticipatory bail to
the petitioners.

4. The learned Additional Public Prosecutor submitted that due to a land dispute, the petitioners abused and assaulted the defacto complainant with knife at head and thereby the defacto complainant sustained injuries. He would further submit that the victim has 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 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 directed to be released on bail in the event of arrest by the respondent police 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 District Munsif - Judicial Magistrate, Nannilam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 first and second 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. The third petitioner, being a senior citizen, shall report before the respondent daily at 10.30 a.m. for a period of one week and thereafter as and when required.

[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/-
21/07/2020

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 DISTRICT MUNSIF-JUDICIAL MAGISTRATE,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.ARUN.G Advocate on payment of necessary charges
SR.No.5738

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CRL OP.10829/2020
Date :21/07/2020

TA-28/07/2020