

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10890 of 2020

1.Panneer Selvam @ Pannirselvam
2.Praveenkumar
3.Neelavathi
4.Mohan

... Petitioners

Vs.

State rep. by its
The Inspector of Police
Nannilam Police Station,
Thiruvarur District.
Crime No.1320 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1320 of 2020 on the file of the Inspector of Police, Nannilam Police Station, Thiruvarur District.

For petitioners : Mr.Swami Subramanian

For Respondent : Mr.M. Mohammed Riyaz
Additional Public Prosecutor

O R D E R

(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 294(b), 324 and 506(ii) IPC in Crime No.1320 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 22.06.2020 at about 9.30 a.m., A1 along with his son informed the defacto complainant that there was a fight in front of one Kalaiyarasan's house. Immediately, the defacto complainant rushed to the spot and saw A2 attacking his brother's son. When the defacto complainant tried to rescue him, A2 attacked the defacto complainant also. Thereafter, A1, A2 and A4 abused and attacked the defacto complainant and his relative and A3 attacked them with broom. Hence, the complaint.

3. The learned counsel for the petitioners would submit that there is a case in counter in crime No.1319 of 2020 against the defacto complainant and that the present case has been given as a counter blast. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted due to property dispute, the petitioners abused and attacked the defacto complainant. He would further submit that there is no previous case as against the petitioners and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, within a period of fifteen days from lifting of lockdown or commencement of Court's normal functioning whichever is earlier, before the learned District Munsiff cum Judicial Magistrate, Nannilam, Thiruvavarur 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 police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NANNILAM, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

सत्यमेव जयते

CRL OP.10890/2020

Date :22/07/2020

cs 28/08/2020

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