

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11352 of 2020

1.Ashokkumar @ Ashok
2.Arunkumar @ Arunprakash
3.Sivaraj

...Petitioners/Accused 1 to

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Kilkodungalur Police Station,
Thiruvannamalai District.
(Crime No.1109 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 in connection with Crime No. 1109 of 2020, pending investigation, on the file of the respondent police.

For Petitioners : Mr.E.Parthiban

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 294(b), 324, 506(2), of IPC, in Crime No.1109 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioners have assaulted the defacto complainant with bottle and caused injuries on the fore head of the defacto complainant.

3 The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that infact, the

defacto complainant has assaulted the petitioners and that based on the complainant given by the petitioner a case in Crime No. 1108 of 2020 was registered against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that during the quarrel, the petitioners have assaulted the defacto complainant with bottle. He would submit that as far as the first petitioner is concerned, there is one case previous case pending against him, as far as the second petitioner is concerned there are three previous cases pending against him and as far as the third petitioner is concerned there is no pervious case pending against him.

5 At this juncture, the learned counsel appearing for the petitioners would reiterated that on the complaint given by the petitioners first complaint was registered.

6 Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7 Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vandavasi, on condition that the each petitioner 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 every day 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.

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

-sd/-
05/08/2020

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,
VANDAVASI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KILKODUNGALUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

WEB COPY CRL OP.11352/2020
Date :05/08/2020

TA-16/09/2020