

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10979 of 2020

Guna @ Gunaseelan

... Petitioner/A4

Vs.

The State Represented by :-  
The Inspector of Police,  
Delhi Police Station,  
Tiruppur District.  
Crime No.699 of 2020

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of his arrest  
by the respondent police in Crime No.699 of 2020, on the file of the  
Inspector of Police.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
342, 323, 324, 506(2) IPC in Crime No.699 of 2020, on the file of the  
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto  
complainant/Muruganantham is that there was a dispute between him and  
one Muthusamy/A1 in respect of engaging of counsel. While so, when the  
defacto complainant along with his friends had gone to the farm of  
Muthusamy, a quarrel arose between them. At that time, the said  
Muthusamy assaulted the defacto complainant with iron rod and other  
accused who were around, caught hold the defacto complainant and  
assaulted him with hands and legs due to which, the defacto  
complainant sustained injuries and suffered hospitalization. Hence  
the complaint.

3. The learned counsel appearing for the petitioner would submit  
that the petitioner is arrayed as A4 and this is a second application  
for anticipatory bail. He would further submit that the earlier  
petition was filed along with the main accused viz., Muthusamy/A1 and  
subsequent to the dismissal of the earlier anticipatory bail petition,  
the said Muthusamy was arrested. He would also submit that the

allegation against the petitioner is that, he along with other accused assaulted the defacto complainant with hands and legs. He would submit that the petitioner was not at all present at the scene of occurrence and his name has been unnecessarily dragged in, to harass the petitioner. The other accused who were similarly placed as that of the petitioner, were arrested and they have been granted bail. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed stating that the main accused, attacked the defacto complainant with iron rod and the petitioner along with other accused assaulted the defacto complainant with hands and legs. He would further submit that the petitioner is a history sheet and he was earlier convicted for an offence under Section 302 IPC and later on appeal, the conviction was set aside. Apart from that, the petitioner has got one other previous case. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact that the injured has been discharged from hospital and the co-accused have been granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or 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, No.II, Udumalpet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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:

[b] the 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.

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

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
23/07/2020

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,  
NO.II, UDUMALPET

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
DHALI POLICE STATION,  
TIRUPPUR DISTRICT.

CC to M/S. D.R.ARUN KUMAR Advocate on payment of necessary charges

CRL OP.10979/2020

Date :23/07/2020

RVR 16/09/2020

WEB COPY