

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.11027 of 2020

1. Jaya
2. Subramaniyan
3. Gunasekaran
4. Sarapoji
5. Elangovan

... Petitioners/A5 to A8 & A11

Vs.

The State Represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.1642 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail in the event of arrest in
Connection with the Crime No.1642 of 2020 pending on the file of the
respondent police.

For Petitioners : Mr. Swami Subramanian

For Respondent : Mr. M. Mohammed 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 alleged offences punishable under Sections 147, 148, 294(b), 324, 307 and 379(NP) of IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.1642 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the defacto complainant and the second petitioner's family on account of theft of rabbits and birds, on 27.05.2020 the petitioners along with others, abused and attacked the defacto complainant with iron pipes, wooden log and Aruval and thereby the defacto complainant sustained grievous injuries and also threatened him with dire consequences. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that there is a case in counter in Crime No.1640 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to previous enmity in respect of theft of rabbits and birds from the house of the defacto complainant, there was a quarrel between the petitioners and the defacto complainant during which, the petitioners along with others have abused and attacked the defacto complainant with deadly weapons and also threatened with dire consequences. Hence, 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 there is a case in counter, 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 or on their appearance, within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur 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, 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 petitioner/A1 shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners/A2 to A5 shall report before the respondent police every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/07/2020

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,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.11027/2020

Date :24/07/2020

RVR 16/09/2020

WEB COPY