

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11145 of 2020

1.Baskaran ... Petitioners  
2.Sakthivel  
3.Godhandan  
4.Devendran

Vs.

The State rep. by its ...Respondent  
The Inspector of Police,  
E-7, Manampathi Police Station,  
Kancheepuram  
Crime No.209 of 2020.

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest by the respondent police pending investigation of the case in Crime No.209 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.A.Dhanasekaran

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 offences punishable under Sections 294 (b), 324, 341 and 506(2) IPC in Crime No.209 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute wordy quarrel occurred between the defacto complainant and the petitioners, the petitioners abused and attacked the defacto complainant with spade and thereby the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that there is a case in counter in Crime No.208 of 2020 and that a false case has been foisted against them. Hence, he prays for grant of

anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that 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 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;

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned District Munsif cum Judicial Magistrate No.I, Chengalpattu on condition that the petitioners shall execute a 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:

[b] 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.

[c] **the petitioners shall report before the respondent on every Monday and Friday at 10.30 a.m. until further orders.**

[d] the petitioners 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 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]**.

[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/-  
27/07/2020

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  
NO.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-7, MANAMPATHI POLICE STATION,  
KANCHEEPURAM.

+1 CC to M/S. B.A.DHANASEKAR Advocate on payment of necessary  
charges SR.NO.5782

सत्यमेव जयते

CRL OP.11145/2020

Date :27/07/2020

TA-30/07/2020

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