

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.11175 of 2020

1.Veeramuthu
2.Dhanasekar

... Petitioners

Vs.

The State Represented by :-
The Sub-Inspector of Police,
Melmaruvathur Police Station,
Kancheepuram District.
(Crime No. 1131 of 2020)

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest by the respondent police in Crime No.1131 of 2020, on the file
of the respondent Police.

For Petitioners : Mr.R.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294 (b), 324 and 506(2) IPC, in Crime No.1131 of 2020, on the file
of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that as per the defacto
complainant, due to the previous dispute the petitioners assaulted
the defacto complainant and caused head injury. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioners are innocent and due to the previous enmity the
false complaint has been lodged against the petitioners and the
victim has been discharged from the hospital. Hence, he prayed for
grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a previous enmity between the petitioner and defacto complainant and due to the same the petitioner assaulted the defacto complainant and caused head injury in forehead. He would further submit that the injured was discharged from the hospital. However, he opposed for the grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts of the case and the submissions made by either side counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 Judicial Magistrate, Madhuranthagam, on condition that the petitioners 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 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 police daily at 10.30a.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 JUDICIAL MAGISTRATE,
MADHURANTHAGAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.11175/2020

Date :27/07/2020

cs 28/08/2020