

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.11070 of 2020

1. Prasanth
2. Saravanan
3. Nakkeeran
4. Prithviraj
5. Praveenkumar
6. Narendran
7. Bubendran @ Ubendrakumar Petitioners

Vs.

State rep by
The Inspector of Police,
Alivalam Police station,
Tiruvarur District,
Crime No.98 of 2020 Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.98 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.T.Shunmuga Rajewaran,
Additional Public Prosecutor

सन्तानमेव जयते
O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 147,
148, 294(b), 324, 427, 435, 506(ii) and 379 IPC in Crime No.98 of
2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to election dispute,
a wordy quarrel arose between the petitioners and the defacto
complainant and thereby the petitioners assaulted and also set fire
to the haystack and also damaged the windshield of the car and also
caused injuries to the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that a false case has been foisted against them. He would further submit that the petitioners are prepared to deposit Rs.5,000/- (Rupees Five Thousand Only) each to the credit of the particular crime number and prayed for grant of Anticipatory Bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to election dispute a wordy quarrel arose between the petitioners and the defacto complainant and thereby the petitioners assaulted and also set fire to the haystack and also damaged the windshield of the car and also caused injuries to the defacto complainant. He would further submit that the injured has been discharged from the hospital and 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, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] The petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the crime number 98 of 2020. On such deposit, the petitioners are directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioners shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[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 daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

[d] the final report in respect of the said deposit shall be passed by the Trial Magistrate at the conclusion of trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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].

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

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

-sd/-
28/07/2020

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.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
TIRUVARUR DISTRICT.

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

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Date :28/07/2020