

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.11133 of 2020

1. Sathish @ Sathishkumar
2. Venkatesh @ Patchayappan
3. Raja @ Ramu

... Petitioners

Vs.

State Rep by,
The Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.
(Crime No.1108 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1108 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.V.G.Kartheeban

For Respondent : Mr.M.Mohamed Riyaz
Additional Government Pleader

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 alleged offences under Sections 294(b), 323 and 506(i) of IPC and 3 of TNPPDL act, 1992, in Crime No.1108 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners attacked the defacto complainant and abused him in filthy language and also damaged the windshield of the defacto complainant's four wheeler. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have nothing to do with the alleged offence and a false case has been foisted against the petitioners. On instruction, he would further submit that without prejudice to their defence, the petitioners are prepared to deposit the value of the alleged damage to the credit of the case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners abused the defacto complainant with filthy language, attacked him and also caused damage to his four wheeler's windshield. He would further submit that though the injured has been discharged from the hospital, the value of the damage is yet to be assessed. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain condition.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each, to the credit of crime No.1108 of 2020 and on such deposit, the petitioners are directed to be released on bail in the event of their arrest or on their 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, Vandavasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each 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 petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each, to the credit of crime No.1108 of 2020 before executing the bonds.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

[d] the final order in respect of the said deposit shall be passed by the learned trial judge 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]; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. 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,
VANDAVASI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KILKODUNGALORE POLICE STATION
TIRUVANNAMALAI DISTRICT.

CC to M/S T.V.G.KARTHEEBAN Advocate on payment of necessary charges

WEB COPY

CRL OP.11133/2020

Date :27/07/2020

cs 07/09/2020