

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12676 of 2020

1.Sivanandam (Male 30years),

S/o.Gopalakrishnan,

Residing at Thillai Valagam,

Omangadu, Tiruvarur District.

2.Vicky @ Vignesh (Male 29 years),

S/o.Jayaraman,

Residing at Thambikottai,

Vadakadu, Tiruvarur District. Petitioners/Accused Nos.4 & 6

Vs.

The Inspector of Police,

Muthupettai Police Station,

Muthupettai,

Tiruvarur District.

(Crime No. 2192 of 2020)

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in connection with Crime No.2192 of 2020 pending on the file of the respondent police in the event of their arrest.

For Petitioners : Mr.S.Madhusudanan

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

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O R D E R

(The 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, 294(b), 324, 427 & 506(ii) of IPC in Crime No. 2192 of 2020, in Crime No. of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that there was enmity between the defacto complainant and A1, A2 & A3 regarding clearing a
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water canal under 100 days Rural Employment Guarantee Scheme. Due to which, wordy quarrel took place between the petitioners, who are relatives of A1 and the defacto complainant. At that time, all accused persons have attacked the defacto complainant, his brother and wife with sickle and wooden log and they have sustained injuries and the accused have also damaged the front glass in the defacto complainant's brother house. Hence, the complaint.

3 The learned counsel for the petitioners submitted that the petitioners are innocent persons and 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 accused due to previous enmity assaulted the defacto complainant and his relatives and caused damage to the window panes. He would submit that the three injured persons have 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 all the victims have been discharged from the hospital, 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 days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur District, on condition that each petitioner shall execute a separate 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 report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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.

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[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.

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

-sd/-

20/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,
TIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

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CRL OP.12676/2020

Date :20/08/2020

RD 09/09/2020