

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11668 of 2020

1. Selvam(M/35)
S/o Perumal
 2. Perumal @ Perumal Muniyan(M/35)
S/o Muniyappan
 3. Lakshmanan @ Lakshumanan
S/o Ramasamy
 4. Chandran @ Chandiran
S/o Ramasamy
 5. Kuppusamy
S/o Ramasamy
 6. Senthil @ Senthil Perumal
S/o Perumal @ Perumal Muniyan
 7. Anbalagan @ Anbalagan
S/o Muniyan
 8. Sankar @ Sankar Chinnaraj
S/o Chinnaraj
 9. Selvaraj
S/o Muniyan
 10. Pangadikan @ Senthil Perumal,
S/o Perumal
- ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
Crime No.528 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail in the event of arrest pending investigation in Crime No.528 of 2020 on the file of the respondent police.

For Petitioners : Mr.R. Thirumrthy

For Respondent : Mr.M.Mohamed Riyaz

<https://hcservices.ecourts.gov.in/hcservices/>

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 147, 148, 294(b), 323, 324 and 506(II) of IPC in crime no.528 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to a land dispute between the petitioners and the defacto complainant the petitioners assaulted the defacto complainant and his relatives. Hence the case.

3. The learned Counsel for the petitioners would submit that due to the previous enmity between the defacto complainant and the petitioners a false complaint has been given by the defacto complainant and there is also a case in counter in crime no.527 of 2020 given by the petitioners. He would further submit that the petitioners are ready to comply with any stringent condition to be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to the previous enmity the petitioners assaulted the defacto complainant and 2 others. Totally there were 3 injured and all of them have been discharged from the hospital. Hence he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions of the learned Counsel and the injured 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 his 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 Court, Denkanikottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 not enter the village range for a period of one month from today.

[c] the petitioners should stay at Hosur and report before Hosur Town Police Station daily at 10:30 a.m and 5:30 p.m daily for a period of 4 weeks and thereafter every monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/08/2020

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,
DENKANIKOTTAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE OFFICER INCHARGE
HOSUR TOWN POLICE STATION
HOSUR

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

CRL OP.11668/2020

Date : 05/08/2020