

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.11477 of 2020

1. Molagu @ Lakshmanan
S/o Kuppan
2. Venkatajalapathi
S/o Kuppan
3. Kuppan
S/o Lakshmanan
4. Archunan
S/o Lakshmanan
5. Beeman
S/o Archunan
6. Guna (Gundu) @ Gundan
S/o Kuppan
7. Krishnan
S/o Kannian

All are residing in
Soolagunda Village,
Baliganur Post,
Denkanikottai Taluk,
Krishnagiri District.

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
Crime No.524 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.524 of 2020 pending on the file of the respondent Police.

For Petitioners

: Mr. R. Thirumurthy

For Respondent

: Mr. Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This 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.524 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners herein have unlawfully assembled and assaulted the defacto complainant and caused severe injuries to him. Hence the case.

3. The learned Counsel for the petitioners would submit that the the petitioners have not committed any offence as alleged by the prosecution. In fact, the defacto complainant had assaulted the petitioners for which, a case in Crime No.525 of 2020 has been registered against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there are totally 7 accused in this case and the petitioners 1, 2 and 6 have one previous case against them. Insofar as the petitioners 3 and 4 are concerned, there is no previous case against them and with regards to the 5th petitioner, 107 proceedings have been initiated. He would further submit that the specific overt-act against the 3rd accused/3rd petitioner by name Kuppan is that he fractured the hands of the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the 3rd accused has caused the fracture, this Court is not inclined to grant anticipatory bail to the 3rd petitioner/3rd accused. Accordingly, this petition stands dismissed insofar as the 3rd petitioner/A3/Kuppan is concerned.

6. This Court is inclined to grant anticipatory bail to the petitioners 1, 2 and 4 to 7 subject to the following conditions;

7. Accordingly, the petitioners 1, 2, 4 to 7 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 the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Denkanikottai, on condition that the petitioners 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 1, 2 and 4 to 7 shall report before the respondent police every day 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.

[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.

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

-sd/-

03/08/2020

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,
COURT, DENKANIKOTTAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.11477/2020

Date : 03/08/2020