

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11223 of 2020

1.Gowthaman
2.Nandhakumar

... Petitioners

Vs.

The State Represented by :-
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur.
Crime No.2053 of 2020

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest by the respondent police in Crime No.2053 of 2020, on the file
of the respondent Police.

For Petitioners : Mr.R.Alvin Manoj Raj
For Respondent : Mr.M.Mohamed Riyaz,
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
341, 324, 506(ii), 294(b) of IPC in Crime No.2053 of 2020, on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that as per the defacto
complainant/Dharmalingam, due to the previous dispute the petitioners
assaulted the defacto complainant and caused head injury. Hence the
complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioners are innocent and due to the previous enmity the
false complaint has been lodged against the petitioners and the
victim has been discharged from the hospital. Hence, he prayed for
grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the defacto complainant informed about the illegal activity of the petitioners there was an enmity between them and on 13.07.2020 the petitioners abused the defacto complainant in filthy languages and assaulted him using road and caused head injury. He would further submit that the first petitioner has one previous case. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. At this juncture, in reply to the learned Additional Public Prosecutor, the learned counsel for the petitioners would submit that the first petitioner was acquitted after trial and as far as second petitioner is concerned there is no previous case against him.

6. Taking into consideration the facts of the case and the submissions made by either side counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvavarur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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:

[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 police daily at 10.30a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. 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,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR.

CC to M/S.R.ALVIN MANOJ RAJ Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.11223/2020

Date : 27/07/2020

cs 28/08/2020

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