

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11604 of 2020

1.V.Anbarasan ... Petitioner

2.V.Aasai

3.S.Ajith

4.L.Manikandan

5.N.Venu

6.N.Lakshmanan

7.M.Raja @ Dharmaraj

8.M.Punniyamurthy

9.V.Ramadoss

10.L.Arivazhagi

Vs.

The State represented by, ... Respondent/Complainant

The Inspector of Police,

Needamangalam Police Station,

Thiruvarur District.

Crime No. 972 of 2020

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No. 972 of 2020 on the file of the Inspector of Police, Needamangalam Police Station, Thiruvarur District.

For Petitioners

: M/s.D.Bharathy

For Respondent

: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(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, 148, 294(b), 448 and 506(ii) of IPC and section 3(1) of Tamil

Nadu Public Property (Damage and Loss) Act 1992 in Crime No. 972 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that due to the previous enmity, on 11.07.2020, there was some wordy quarrel between the petitioners and the defacto complainant. It is further alleged that the petitioners caused damaged to the defacto complainant's property and also threatened him with dire consequences. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that there is a case in counter. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioners and that there is a case in counter in Crime No.971 of 2020. 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 the victim has been discharged from the hospital and also that there is a case in counter, 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 from the date on which the order copy made ready, before the Judicial Magistrate, Needamangalam, on condition that the 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.

[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/-

06/08/2020

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,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

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

WEB COPY

CRL OP.11604/2020

Date :06/08/2020

TA-22/09/2020