

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.11395 of 2020

1. Jagadeshbabu @ Jagadeesan (M/32)
S/o. Sekar
 2. Naresh @ Nareshkumar, (M/26)
S/o. Natarajan
 3. Kanagarajan, (M/40)
S/o. Mahalingam
 4. Santhosh, (M/26)
S/o. Subramaniyan
- ... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Aalivalam Police Station,
Tiruvarur District.
Crime No.778 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.778 of 2020 pending on the file of the Inspector of Police, Aalivalam Police Station, Tiruvarur District.

For Petitioners : Mr. N. Palanivel
For Respondent : Mr. T. Shunmugarajeswaran,
Government Advocate (Crl. Side)

ORDER

(This 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 341, 294(b), 323, 324, 427, 506(ii) of IPC and Section 379 (NP) of IPC in Crime No.778 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ubendran is that due to previous enmity the petitioners way laid the defacto complainant, abused and attacked him with Iron rod, knife and also stamped him with legs due to which, the defacto complainant sustained grievous injuries. Further, the accused have damaged the head lights of his two wheeler which is worth about Rs.1,500/-. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. On instruction, he would further submit that the petitioners are prepared to deposit some considerable amount to the credit of crime number in order to show their bonafide. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to previous enmity the petitioners waylaid the defacto complainant and abused and attacked him with iron rod, knife and legs and also caused damage to his two wheeler's head lights worth about Rs.1,500/-. He further submitted that the injured has been discharged from the hospital. He also submitted that the third and fourth petitioners have one previous case against them. Hence, 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, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand Only) each, to the credit of crime No.778 of 2020 within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thiruthuraipoondi, 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 shall report before the respondent on everyday at 10.30 a.m. until further orders.

[c] the final order in respect of the said deposit shall be passed by the learned Magistrate at the conclusion of trial.

[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/-

31/07/2020

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.11395/2020

Date :31/07/2020