

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.11398 of 2020

1. Manikandan
2. Ayyappan
3. Deivanayahi

... Petitioners/Accused 1, 3& 4

Vs.

The Inspector of Police
Aalivalam Police Station
Tiruvarur District
Crime No.862 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No. 862 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Palanivel

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
324 and 506(ii) of IPC in Cr. No.862 of 2020, on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 13.07.2020 at 4 P.M.
while the defacto complainant Sangeetha returning to home after
completing the agricultural coolie work, due to land dispute, the
petitioners and one Hariharan picked up quarrelled with her daughter
and when she attempted to interfere, she was abused by the petitioners
and another with unparliamentary words and the 2nd petitioner herein
attacked the defacto complainant by using sickle, due to that the
defacto complainant sustained cut injury on her right leg and palm.
Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to land dispute, there was a wordy quarrel between the petitioners and the defacto complainant. He would further submit that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners. 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, 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Tiruthuraipoondi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily 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/-
30/07/2020

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.11398/2020

Date :30/07/2020

cs 25/08/2020

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