

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.11428 of 2020

1.Venkatesan

2.Kumar

... Petitioner

Vs.

The State rep. by Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District,
Crime No.2626 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.2626 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.Mr.T.Shunmugarajeswaran
Government Advocate(Crl.Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 & 506(i) of IPC, in Crime No.2626 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners and the defacto complainant are neighbours. There was a wordy quarrel between the petitioners and the defacto complainant. Thereafter, the petitioners attacked the defacto complainant and his wife. Due to which, the defacto complainant and his wife sustained injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate would submit that there was a wordy quarrel between the defacto complainant and the petitioners. Due to the quarrel, the petitioners attacked the defacto complainant and his wife and the injured were discharged from the hospital. Hence, he opposed for grant of Anticipatory Bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 I, Mannargudi, on condition that the petitioners shall execute their 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 said Magistrate, on further conditions 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] 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.

[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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-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,
NO.I, MANNARGUDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. J.JAWAHAR Advocate on payment of necessary charges

CRL OP.11428/2020

Date :31/07/2020

cs 02/09/2020

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