

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11386 of 2020

1.M.Balraj @ M.Balaji
S/o.Marimuthu
2.Kathiravan
S/o.Jaisangar
3.Sathiya
S/o.Marimuthu
4.Latha
W/o.Bala Subramanian

... Petitioners

Vs.

State rep. by its
The Inspector of Police
Kaikalathur Police Station
Perambalur District.
(Cr. No. 264 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event of their arrest by the respondent police in connection with the above Crime No.264 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.SaravanaKumar

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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 323 and 506(I) IPC in Crime No. 504 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 one Manoj Kumar/A3 had performed love marriage with the girl who is a relative of the defacto complainant due to which, a quarrel arose between the petitioners and the defacto complainant. At that time, the accused persons abused the defacto complainant and assaulted her with wooden logs. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted the petitioners abused and assaulted the defacto complainant with wooden logs. He would further submit that the injured was treated as out patient. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that the injured has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the Additional Mahila (Magisterial Level), Perambalur District, 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 1 & 2 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

the petitioners 3 & 4 shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. 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 ADDITIONAL MAHILA
MAGISTERIAL LEVEL] PERAMBALUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KAIKALATHUR POLICE STATION,
PERAMBALUR DISTRICT.

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

CRL OP.11386/2020

Date : 31/07/2020

RD 28/08/2020

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