



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

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THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.11846 of 2020

1. Mohan Kumar ... Petitioners
2. Suresh
3. Gopi
4. Tamilvanan
5. Balakrishnan @ Balachandiran @ Moopinar

Vs.

The State Represented by, ...Respondent
The Inspector of Police
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore District.
Crime No.808 of 2020.

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.808 of 2020 pending on the file of the respondent Police.

For Petitioners : Mr.G. Vinodh Kumar

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

ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b) 323, 324 and 506(ii) of IPC r/w 4 of prohibition of Harrasment of women Act 2002 and Section 3 of TNPPDL Act 1992 in Crime No.808 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one stalin is that when the defacto complainant's son by name Arunpandian was walking on the road one Raj kumar was proceeding in



his bike and he hit defacto complainant's son Arun pandiyan. Thereafter, on the very next day the petitioners who are friends of the Rajkumar came to the house of the complainant and quarrelled with the family members of the defacto complainant. The neighbours of the defacto complainant tried to compromise the quarrel but the accused persons assaulted the wife of the defacto complainant and the neighbours and abused them with filthy language. Further they caused damages to the two wheeler and auto rickshaw of one Boobhathi. Hence the complainant.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case . However, they would submit that without prejudice to their contention and defence they are prepared to deposit some amount to the credit of crime no. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners assaulted the family members and neighbours of the defacto complainant and abused them with filthy language. He would further submit that the petitioners caused damages to the wheeler and auto rickshaw of one Boophathi . Hence he opposed to grant anticipatory bail to the petitioners.

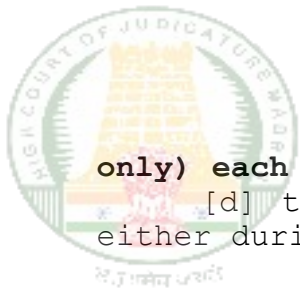
5. Taking into consideration the facts of the case and the submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are directed to deposit Rs.2,000/- (two thousand only) each **to the credit of Crime No.808 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 in the even on their appearance before **the Judicial Magistrate, Gudiyatham** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 deposit Rs.2,000/- (two thousand



only) each to the credit of Crime No.808 of 2020.

[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/-

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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
GUDIYATHAM, VELLORE DISTRICT.

CC to M/S. G.VINODH KUMAR Advocate on payment of necessary charges

CRL OP.11846/2020

Date :06/08/2020

TA-21/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>