

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Cr1.O.P.No.11559 of 2020

1.Nagaraj @ Naga S/o.Ramakrishnan
2.Vijay @ Viji S/o. Senthilkumar .. Petitioners/Accused No.1 &3

Vs.

State rep. by
The Inspector of Police
Hudco Police Station,
Krishnagiri District. ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Cr. No.1063 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

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 offences punishable under sections 341, 294 (b), 324 and 506(ii) IPC in Crime No.1063 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ashok Kumar is that on 04.07.2020 at about 10.30 p.m., the petitioners along with other accused waylaid the defacto complainant, abused him filthy language and assaulted him with knife. 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 that the petitioners along with other accused waylaid the defacto complainant during which, the 1st petitioner has assaulted the defacto complainant with knife at his thigh and chest and the 2nd petitioner has assaulted him with knife. He further submitted though the injured has been

discharged from the hospital, there are three previous cases against the first petitioner and there is no previous case against the second petitioner. Hence, 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 discharged from the hospital, 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 learned Judicial Magistrate-II, Hosur, 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders.

The 2nd petitioner 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 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.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/08/2020

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,
NO.II, HOSUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE REP. BY INSPECTOR OF POLICE,
HUDCO POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.11559/2020

Date :04/08/2020

RD 28/08/2020

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