



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2020

CORAM :

WEB COPY

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

Cr1.O.P.No.11656 of 2020

1. MANTHIRIKUMAR
2. MANIMARAN
3. KABILAN
4. GANDHIMATHI
5. SANGEETHA
6. INITHA @ VINITHA

... Petitioners

Vs.

State rep. by its
The INSPECTOR OF POLICE
ALIVALAM POLICE STATION,
TIRUVARUR DISTRICT.
Crime No. 861 of 2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the Petitioners/Accused on bail in the event of arrest by the respondent police in Crime No. 861 of 2020 pending investigation before the respondent police.

For Petitioner : Mr.C.Mohan raj

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 section 147, 148, 294 (b), 323, 324, 448, 354 & 506 (ii) of I.P.C in Crime no. 861 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity on account of property dispute, the petitioners assaulted the defacto complainant with knife and caused injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners and the defacto complainant are neighbours and the occurrence had happened due to wordy quarrel and that the injured has been discharged from the hospital and there is no previous case as against them. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor submitted that the petitioners and the defacto complainants are neighbours and that due to previous enmity with regard to property dispute, the petitioners assaulted the defacto complainant with knife. He would submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submission of the learned counsel for the petitioners and the fact that the injured has been discharged from the hospital and there is no previous case as against the petitioners, 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 Judicial Magistrate, Thiruthuraipoondi, Tiruvarur 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 to 3 shall stay at Tiruvarur and report before the Tiruvarur Town Police Station, daily at 10.30 a.m., and 05.30 p.m., for a period of two weeks and thereafter every monday at 10.30 a.m., until further orders.

the petitioners 4 to 6 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks 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.

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

-sd/-

12/08/2020

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,
THIRUTHURAIPOONDI, TIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
TIRUVARUR TOWN POLICE STATION,
TIRUVARUR

CC to M/S. C. MOHAN RAJ Advocate on payment of necessary charges

CRL OP.11656/2020

Date :12/08/2020

RVR 15/09/2020