

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

CrI.O.P.No.11778 of 2020

1.S.Vijayanand
2.R.Parthiban
3.S.Babu

... Petitioners

vs.

State rep. by its
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.
Crime No.1648 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.1648 of 2020 pending investigation before the respondent police.

For Petitioners : Mr.C.Mohanraj

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

ORDER

(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 & 506(ii) IPC in Crime No. 1648 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are belong to same locality and on 25.07.2020, there was a wordy quarrel arose between them. Due to which, the petitioners in an drunken mood went to the defacto complainant's house, abused him in filthy language and assaulted him. Hence, the complaint.

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

4. The learned Additional Public Prosecutor submitted that due to enmity, the petitioners, in an drunken mood, went to the defacto complainant's house abused and assaulted him. He would further submit that there are six previous cases pending as against the first petitioner and there is no previous case as against the petitioners 2 and 3 and that the alleged injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, **this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.**

6. 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 2 and 3 with certain conditions.

7. Accordingly, the **petitioners 2 and 3** 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-I, Coimbatore District, on condition that the petitioner 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 2 and 3 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 2 and 3 shall report before the respondent police daily at 10.30 a.m., until further orders.**

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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/-
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-I,
COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

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

CRL OP.11778/2020

Date :06/08/2020

TA-21/09/2020

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