

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11723 of 2020

1.Thirupathi ... Petitioners
2.Suriyamoorthy
3.Babu @ Sambath
4.Soundariya @ Sowanthari
5.Marudhu @ Marudhupandi

Vs.

State rep. by its ... Respondent
The Inspector of Police,
Kandili Police Station,
Vellore District.
Crime No.640 of 2020.

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.640 of 2020 pending investigation before the respondent police.

For Petitioners: Mr.S.Paul Gnanamuthu

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 147, 148, 294(b), 323, 324 & 506(ii) IPC in Crime No. 640 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to enmity, the petitioners along with other accused picked up quarrel with the defacto complainant and assaulted the defacto complainant's son. Hence, the complaint.

3. The learned counsel for the petitioner would submit that on the complaint given by the petitioners, a case was registered against the defacto complainant in Crime No.639 of 2020 by the respondent police. Suppressing the fact, a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to wordy quarrel, the petitioners assaulted the defacto complainant's son with wooden log and caused injury on the head. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that there is case in counter and that the alleged 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 Judicial Magistrate-II, Thirupathur 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 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 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/-
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-II,
THIRUPATHUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

CC to M/S. S.PAUL GNANAMUTHU Advocate on payment of necessary charges

CRL OP.11723/2020

Date :06/08/2020

TA-21/08/2020

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