

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11981 of 2020

1. Vignesh
2. Sanjay
3. Rajendran
4. Surendhar
5. Sureshkumar

... Petitioners

- Vs -

State, rep. by Inspector of Police,
Koradachery Police Station,
Tiruvarur.

(Cr.No.1238 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the Petitioners on bail in the event of their respective arrest by the Respondent Police in Cr.No.1238 of 2020 on the file of the Respondent Police

For Petitioners : Mr.S.K.Kannadasan

For Respondent : Mr.K.Prabakar
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 147, 448, 294(b), 427, 352, 506(i) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No. 1238 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are entered into the house of the defacto complainant and assaulted the defacto complainant's family members, as a result of which they sustained injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The defacto complainant belongs to ADMK party and the petitioners belong to DMK party. The uncle of the petitioners 1, 2, 4 and 5 and brother of 3rd petitioner one Lakshmikanthan contested the Aykudi Village Panchayat Board President Election and won in the Election. Due to political

enmity dispute arose between the parties, this case has been falsely foisted against the petitioners only to take revenge against them. Hence, he seeks to grant Anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruvavur, on condition that the each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7.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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.11981/2020

सत्यमेव जयते
Date :12/08/2020

MK:26/08/2020

WEB COPY