

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12134 of 2020

1.Poornavel
2.Amaravathi

... Petitioners/Accused

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police Sankari,
Sankari Taluk, Salem District.
Crime No. 437 of 2020

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners in the event of arrest in connection with Crime No. 437 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.N.Rangesh Kanna
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), 324 and 506(ii) of IPC, 1860, in Crime No. 437 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that due to the previous enmity regarding civil dispute between this petitioners and defacto complainant, on the date of occurrence at about 08.50 a.m., a wordy quarrel arose between the parties and in the said occurrence, the petitioners have abused the defacto complainant in filthy words and attacked him with spade and caused injuries to him and also threatened him with dire consequences. Hence the complainant.

3 The learned counsel appearing for the petitioners would submit that the petitioners are no way connected to the offence as alleged by the prosecution and that a false complaint has been registered against them. He would submit that the alleged victim has been discharged from the hospital. He would further submit that the earlier petition was dismissed on 27.07.2020 in CrI.O.P.No.11047 of 2020 on the ground that the injured was in hospital and prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that during a quarrel, the petitioners assaulted the defacto complainant with spade resulting in the defacto complainant sustaining injuries. He would submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and circumstances and the submissions of the learned counsels and 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 Judicial Magistrate No.I, Sankari, 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 first petitioner shall stay at Edappadi and report before the Inspector of Police, Edappadi Police Station, daily at 10.30 a.m. for a period of four weeks. Thereafter, report before the respondent police every Monday at 10.30 a.m. until further orders.

The second petitioner shall report before the respondent police 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/-
13/08/2020

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.I,
SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SANKARI TALUK,
SALEM DISTRICT

5 THE INSPECTOR OF POLICE,
EDAPPADI POLICE STATION,
EDAPPADI.

CC to M/S. T.N.RANGESH KANNA Advocate on payment of necessary charges

CRL OP.12134/2020

Date :13/08/2020