

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
Dated : 13.08.2020

CORAM :

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

Crl.O.P.No.12080 of 2020

1. Vinoth @ Vinothkumar
2. Dhinakaran
3. Iyyappan
4. Babu

.... Petitioners

Vs.

State, rep .by  
The Inspector of Police,  
Palaiyur Police Station  
Nagapattinam District  
(Crime No. 757 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.757 of 2020 on the file of respondent police.

For Petitioner : Mr.V.Sakkarapani

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 alleged offence punishable under **Sections 386, 294(b), 323 & 506 (i) IPC in Crime. No.757 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a quarrel between the petitioners and the defacto complainant in respect of collecting mamool for loading rice bags during which, the petitioners abused the defacto complainant in filthy language and assaulted him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to political motive. He would submit that there is no previous case against the petitioners and the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners claimed Rs.2 per Paddy bag from the defacto complainant who is a load man due to which, there was a quarrel during which, the petitioners abused and assaulted the defacto complainant resulting in him sustaining injuries. He would further submit that there is no previous case against the petitioners and 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 and there is no previous case 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 No.II, Mayiladuthurai, 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 shall report before the respondent police daily 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/-  
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.II,  
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PALAIYUR POLICE STATION,  
NAGAPATTINAM DISTRICT.

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.12080/2020

Date :13/08/2020

MK:26/08/2020