

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11626 of 2020

1.Narander

2.Prabu

... Petitioners

Vs.

The State rep. by,

The Inspector of Police,

Thiruchengode Town Police Station,

Namakkal District.

Crime No.824 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.824 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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 offences punishable under Sections 447, 427, 294(b), 323, 324, 506(ii) of IPC, subsequently altered to Sections 147, 148, 447, 294(b), 323, 427, 307 and 506 (ii) of IPC, in Crime No.824 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the main accused A1 and the de-facto complainant are close relatives and there was already a dispute between them. On the date of occurrence, a wordy quarrel arose between the parties, in which, A1 and two other accused persons assaulted and threatened the de-facto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and their names are not found in the FIR. The petitioner's earlier anticipatory bail petition in Crl.O.P.No.9918 of 2020 was dismissed by this Court on the ground that the injured are in the hospital. He further submitted that the injured has now been discharged from the hospital. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to a property dispute, the petitioners along with other accused persons, trespassed into the de-facto complainant's office and assaulted him. Thereafter, they went to the de-facto complainant's house and assaulted his mother and wife. The de-facto complainant was admitted in the hospital and after taking treatment, he was discharged from the Hospital. He further submitted that the petitioners' names do not find a place in the FIR. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of their 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, Tiruchengode, 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 every day 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.

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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

CC to C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.11626/2020

Date :12/08/2020

MK:26/08/2020