

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.12105 of 2020

1.Nandini
2.Sarasa
3.Magesh
4.Nazeer
5.Abdul
6.Babu
7.Munaivar Basha
8.Inayath Nazeer
9.Sadam Hussain
10.Asrutheen

... Petitioners

Vs.

State Rep. by Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.

... 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 arrest in Crime.No.68/2020 pending investigation on the file of the respondent

For Petitioners : Mr.E.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, 148, 294(b), 324, 448, 427, 506(i) of IPC in Crime No.68 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Ratna due to previous enmity, the petitioners joined together and abused the defacto complainant's husband and the 4th petitioner assaulted with the knife on the husband of the defacto complainant due to which he sustained injuries, thereafter they have caused damage to the articles in the house and Scooty.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that in fact the defacto complainant's husband assaulted the fourth petitioner namely Nazeer and he suffered injuries, therefore on the complaint given by the fourth petitioner viz., Nazeer, case in Cr.No.66 of 2020 was registered against the defacto complainant's husband and her son. In retaliation a false case has been foisted against the petitioners. He would further submit that the petitioners are prepared to pay a sum of Rs.3,000/- to the credit of Crime No. 68 of 2020 do show their bonafides. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that due to previous enmity brutally assaulted the defacto complainant's husband and her son resulting which sustained injuries. He further submitted that on the complaint given by the fourth petitioner viz., Nazeer, case in Cr.No.66 of 2020 has been registered against the defacto complainant's husband and her son.

Taking into consideration the facts and circumstances of the case, 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 No.I, Krishnagiri, 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 3 to 10 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 and petitioners 1 & 2 shall report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required.

(c) the petitioners are directed to deposit a sum of Rs.3,000 to the credit of crime No.68 of 2020 on the file of the Inspector of Police, Kandhikuppam Police Station, Krishnagiri

[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 NO.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to E.KANNADASAN Advocate on payment of necessary charges

CRL OP.12105/2020

Date :12/08/2020

MK:25/08/2020