

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.Nos.12380 and 12381 of 2020

1. Sakthivel ... Petitioner in
Crl.O.P.No.12380 of 2020

1. Ramesh
2. Sathish @ Sathishkumar ... Petitioners in
Crl.O.P.No.12381 of 2020

Vs.

The State rep. by,
The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
Crime No.824 of 2020 ... Respondent in both petitions

Common 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 in both petitions : Mr. C. S. Saravanan

For Respondent in both petitions : Mr. K. Prabakar

Additional Public Prosecutor

COMMON 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 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 as per the defacto complainant one Sivasankar is that the due to a civil dispute between the defacto complainant and the main accused A1/Devaraj who is the

brother-in-law of the complainant, A1 along with one Sathish and Ramesh have entered into the office of the defacto complainant, closed the shutter and the main accused assaulted him with iron rod and the other accused persons have assaulted him with hands and also caused damages to the articles kept in the office. Thereafter, they had gone to the house of the de-facto complainant and assaulted the wife and mother of the defacto complainant and compelled them to transfer the property in his name. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and that they have been falsely implicated in this case and would submit that A1/Devaraj and the defacto complainant are brothers-in-law and that there was a dispute with regard to property. Hence, a false case has been foisted against the petitioners since, they happen to be friends of the first accused. He would further submit that as far as the petitioner in Crl.O.P.No.12380 of 2020, his name does not place find in the FIR and as far as the petitioner in Crl.O.P.No.12381 of 2020, the allegation against him is that he assaulted the defacto complainant with hands. Even as per the altered report, the petitioner in Crl.O.P.No.12381 of 2020 did not enter in to the office of the defacto complainant and would submit that it is absolutely a false case. He further submit that arrested accused have been enlarged on bail in Crl.O.P.No.11784 of 2020 and also co-accused in this case granted anticipatory bail in Crl.O.P.No.11626 of 2020 by this Court dated 12.08.2020. Hence, he prays for grant of 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 found in the FIR and also no previous case is pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the above facts and submissions of the learned counsel and also the fact that the injured has been discharged from the hospital and that no previous case was pending as against the petitioner, 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 (15) 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 Petitions are ordered accordingly.

-sd/-
14/08/2020

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.

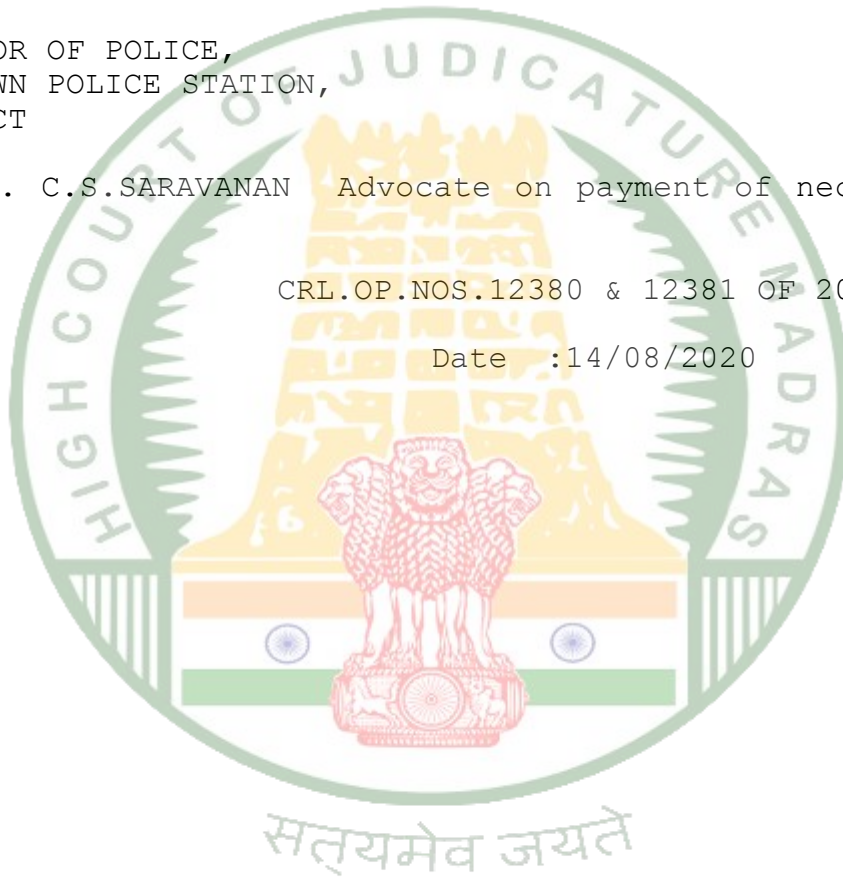
4 THE INSPECTOR OF POLICE,
TIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT

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

CRL.OP.NOS.12380 & 12381 OF 2020

Date :14/08/2020

MK:28/08/2020



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