

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.12203 of 2020

1.Sathish @ Sathish Kumar
2.Balakrishnan @ Bala
3.Murugan

... Petitioners

Vs.

The State Rep. By
The Inspector of Police
Omalar Police Station,
Salem District.
(Crime. No. 994/2020)

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No. 994 of 2020 on the file of the Respondent.

For Petitioners : Mr.M.Subhash
For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

(This 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 in crime No.994/2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the third petitioner consumed alcohol and sleeping in front of the mobile shop of the defacto complainant and the same was questioned by the defacto complainant, therefore, the accused has assaulted him thereby the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that initially the defacto complainant attacked the accused and thereafter a false case has been given against the accused persons. He would further submit that the petitioners are innocent persons

and they have been falsely implicated in this case. However, the injured has discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the third petitioner was sleeping in an inebriated condition in front of the defacto complainant's shop and the same was questioned by him, all the accused persons joined together abused him in filthy language and attacked with hands and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate, Omalur**, 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., until further orders.**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

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

CRL OP.12203/2020

Date :13/08/2020

TA-16/09/2020

WEB COPY