

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

CrI.O.P.No.12295 of 2020

1.KUMAR @ SATHISHKUMAR

2.KRISHNAN

3.SHANTHI

... Petitioners

Vs.

State Rep. by

Inspector of Police,

Jamunamarathur Police Station,

Thiruvannamalai District.

(Crime No.436 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.436 of 2020 pending investigation on the file of respondent.

For Petitioner : Mr.R.Thulasi

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 294(b), 355, 324, 506(i) of I.P.C. and section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime. No.436 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mrs.Jayamalai is that on 11.06.2020 at about 04.00 p.m. when the defacto complainant was grazing her goats in her field, the 1st petitioner had hurled stone on the goats, hence the defacto complainant questioned them, due to which, the 1st petitioner abused her with filthy language and pushed her on the floor by pulling her tuft and sari and kicked on her. When she raised alarm, her son by name Vinoth came and try to rescue her. At that time other petitioners joined together and attacked him with wooden log and fisted on his neck with stone and all of them have taken the defacto complainant's son by

saying that they will do away with him and bury the body. When the neighbours rushed to the spot, the accused persons escaped from the place of occurrence and the victim Vinoth was immediately he was taken to the Government Hospital, Javvathu Malai and after first-aid, he was referred to Government Hospital, Thiruvannamalai. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner assaulted the defacto complainant and her son due to previous enmity. He would submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. Hence, 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 petitioner 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 **District Munsif cum Judicial Magistrate, Vaniyambodi**, 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 1 and 2 shall report before the respondent police daily 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 3rd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness or influence during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] 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.

9. For reporting compliance, post on **04.09.2020**.

-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANIYAMBODI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
JAMUNAMARATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT

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

CRL OP.12295/2020

Date :14/08/2020