

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.12335 & 12371 of 2020

Appu @ Sivaganesh ... Petitioner in Crl.O.P. No.12335/2020

Pugalenthil @ Monoj ... Petitioner in Crl.O.P. No.12371/2020

Vs.

The State represented by,
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(Crime No.990 of 2020)

... Respondent in both Crl. O.P.'s

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C. to enlarge bail to the petitioners in the event of their arrest in Cr. No.990 of 2020 pending before the respondent police for the offence 147, 148, 294(b), 324, 506(ii), 307 IPC.

For Petitioners : Mr. S.M.Subramani [in both petitions]

For Respondent : Mr. M.Mohamed Riyaz [in both petitions]

Additional Public Prosecutor

C O M M O N 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, 506(ii) and 307 of IPC in Cr. No.990 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the *de facto* complainant questioned the immoral act of the petitioners and others, who were taking liquor near Perumal koil, the petitioners and other accused attacked the *de facto* complainant Rajasekar with knife and wooden log and caused injury to him. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that factually, there was a wordy quarrel between the petitioners and the accused with respect to civil dispute and that the petitioners were not involved in any offence as alleged and that the *de facto* complainant attacked the petitioners and to take revenge on the petitioners, a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Additional Public Prosecutor submitted that the accused were consuming liquor near the temple and when the *de facto* complainant questioned the same, there was a wordy quarrel between the petitioners and the *de facto* complainant and the petitioners used aruval and caused injury on the head of the *de facto* complainant. He further submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his 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, Vedaranyam, on condition that the petitioners shall execute a 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the petitioners 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/s in accordance with law as if the conditions have been imposed and the petitioner/s 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, these Criminal Original Petitions are ordered.

-sd/-
26/08/2020

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,
VEDARANYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL.OP.NOS.12335 & 12371 OF 2020

Date :26/08/2020

MK:10/09/2020