

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12504 of 2020

1.R.Kumar

2.R.Subramani

... Petitioners

Vs.

The State Represented by,
Inspector of Police,
Gudiyatham Taluk PS,
Vellore District.
Crime No.823/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to these petitioners in the event of their in Crime No.823 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Ruben

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 294 (b), 353, 323, 324 and 506(ii) of IPC in Crime No.823 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is the Village Administrative Officer of Thattaparai Village is that on 27.07.2020, he received a information that the accused were attempting to illegally remove sand from village, he had gone to the village and prevented the accused from removing the sand and that the accused have abused him with filthy language and assaulted him due to which, he sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners and the defacto complainant are relatives and residents of the same village and due to previous enmity, the defacto complainant abusing his official possession has given a false complaint against them. He would further submit that there is no previous case pending against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners are residents of Thattaparai Village and the Village Administrative Officer received information that they were attempting to remove the sand illegally, he had gone to the place of occurrence and prevented them and during that time the accused have abused and assaulted him due to which he sustained injuries and he was treated as out-patient. He would further submit that there is no previous case pending as against the petitioners. 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 treated as outpatient, 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 their arrest or on their appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Gudiyatham,** on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 as and when required for interrogation.

[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/-
18/08/2020

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,
GUDIYATHAM ,VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK PS,
VELLORE DISTRICT.

+1 CC to M/S.S.RUBEN Advocate on payment of necessary charges SR NO. 5968

CRL OP.12504/2020

Date :18/08/2020

GKS:27/08/2020