

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.12505 of 2020

1.V.Madhu
2.Shanmugam
3.Madhammal

... Petitioners/Accused

Vs.

The State represented by,
The Inspector of Police,
Royakkottai Police Station,
Krishanagiri District.
(Crime No. 527 of 2020)

... Respondent/Complainant

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.527 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Balamurugan

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 offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.527 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that due to previous enmity with regard to the land, the petitioners and other accused had attacked the defacto complainant and his son and one more person with iron rod, stone, wooden logs and knife and thereby, they have sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that there is a case in counter in Crime No.528 of 2020. He would submit that due to land dispute a false complaint has been given against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that due to land dispute, the petitioners have assaulted the defacto complainant and his son and yet another person and due to which, they have sustained injuries and victims have been discharged from the hospital. He would submit that as far as the first petitioner is concerned there are three previous cases pending against him, as far as the second petitioner is concerned there are proceedings under Section 107 of Cr.P.C and as far as the third petitioner is concerned there is no previous case pending against him.

5 At this juncture, the learned counsel appearing for the petitioners would submit that the defacto complainant and his friend are the aggressors and they have assaulted the second petitioner brutally, due to which, the second petitioner has lost his three teeth. Thereafter, the police attempted to compromise the matter and since, the petitioners were not ready for compromise, a case has been registered against them in Crime No. 527 of 2020.

6 Taking into consideration the facts and submissions of the learned Counsel and the fact that the victims have been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7 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 days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned District Munsif cum Judicial Magistrate, Denkanikottai, on condition that each petitioner 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 & 2 shall report before the respondent police every day at 10.30 a.m., until further and the third 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.

[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 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ROYAKKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.A.BALAMURUGAN Advocate on payment of necessary charges
SR.No.5964

WEB COPY

CRL OP.12505/2020

Date :18/08/2020

cs 24/08/2020