

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12436 of 2020

1.Mohana Sundaram @ Mohan, M/37 years,

S/o.Rajamanikkam,

No.142, Mariyamman Koil Street,

Thollazhi Village, Varanavasi (Post),

Kancheepuram District.

2.Appu @ Veeraragavan, M/33 years,

S/o.Rajamanikkam,

No.71, Mariyamman Koil street,

Thollazhi Village, Varanavasi (Post),

Kancheepuram District.

... Petitioners/Accused

Vs.

The State represented by,

The Inspector of Police,

Palur Police Station,

Kanchipuram District.

(Crime No.568 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 his arrest in Crime No.568 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.Ramesh

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 294(b), 323, 324, 506(ii) of IPC, in Crime No.568 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that A1, who is the Sub-Contractor has laid a cement road in the defacto complainant's village and the defacto complainant had advised contractor to lift the height of the road and due to which, there was a wordy quarrel took place between them and at that time, both the petitioners have attacked the defacto complainant with iron rod on hands and body and thereby, he has sustained injuries. Hence, the complaint.

3 The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending 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 victim 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 days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Chengalpattu, 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 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 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.

7 With the above directions, this Criminal Original Petition is ordered.

-sd/-

20/08/2020

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,
NO.I, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PALUR POLICE STATION,
KANCHIPURAM DISTRICT,

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

CRL OP.12436/2020

Date :20/08/2020

RD 11/09/2020

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