

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Cr1.O.P.No.12997 of 2020

1.Gunasekaran

2.Prakash

3.Prabu @ Prabhakaran

... Petitioners

Vs.

The State Rep. by
The Sub Inspector of Police,
Kaikalathur Police Station,
Perambalur District.
(Crime No.289 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.289 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Srinivasa Rao

For Respondent : Mr.M.Mohamed Riyaz
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) & 506(ii) of IPC, in Crime No.289 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that due to land dispute, the petitioners abused the defacto complainant in filthy language and also threatened him showing the knife. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners abused the defacto complainant in filthy language and intimidated him showing the knife. He would further submit that the first and second petitioners have one previous case and the third petitioner has no previous case.

5. At this juncture, the learned counsel for the petitioners would submit that the first and second petitioners have previous case related to the year 2018 and that is also a hurt case and other than that the petitioners have no previous cases.

6. Taking into consideration the facts and submissions of the learned Counsel, 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 arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Veppamthattai, Perambalur District, on condition that each 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:

[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 1st and 2nd petitioners shall report before the respondent Police every day at 10.30 a.m., until further orders.

[c] the 3rd petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter, every Monday 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 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].

[g] 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/-
25/08/2020

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,
VEPPAMTHATTAI,
PERAMBALUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
KAIKALATHUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S R.SRINIVASA RAO Advocate on payment of necessary charges

CRL OP.12997/2020

Date :25/08/2020

cs 10/09/2020