

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12431 of 2020

1. Chinnapappa
2. Saroja

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Uthangarai police station,
Krishnagiri District.
Crime No.197 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.197 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Thiruvengadam

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

(This 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), 323, 324, 506 (ii), 307 and 302 IPC, in Crime No.197 of
2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant
Kumar is that on 29.03.2020, due to a dispute regarding fetching of
water all the accused armed with wooden logs and machete had come to
the defacto complainant and abused in filthy language and thereafter,
the petitioners have assaulted the wife of the defacto complainant
and one Marimuthu son of Nagaraj had attacked the father of the
defacto complainant, due to which he sustained injuries and succumbed
to the injuries and the accused also caused injuries to the relatives
of the defacto complainant. Hence the complaint.

3. The learned Counsel for the petitioners submitted that due to previous enmity, the members of the entire family have been implicated in this case. He would submit that the petitioners and the defacto complainant are relatives and they belong to the same community and that even as per the FIR, the over act attributed against the petitioners is that they slapped on the cheeks of the wife of the defacto complainant. Other than that they have no allegation against them either attacking the deceased or causing injuries to any other victims. He would submit that the arrested accused have been enlarged on bail in CrI.O.P.No.7770/2020 on 22.05.2020. He would submit that the petitioners are ready to abide by any stringent conditions and submitted that the first petitioner is aged about 47 years and the second petitioner is aged about 65 years and prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to the dispute regarding fetching of water from tank, the petitioners along with the other accused have quarrelled and have assaulted the defacto complainant and his relatives and out of which, the father of the defacto complainant Munusamy sustained injuries and later succumbed to the injuries and he would submit that originally the case was registered under Section 307 IPC and after the death of the victim, the case was altered to Sections 307 and 302. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both counsel, perused the FIR.

6. Taking into consideration the facts and submissions of the learned Counsel and perusing the FIR, 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 days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Uthangarai on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily 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/-

24/08/2020

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,
UTHANGARAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.K.THIRUVENGADAM Advocate on payment of necessary charges

CRL OP.12431/2020

Date :24/08/2020