

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.12647 of 2020

1.Chinnadurai
2.Devagi
3.Ambiga

... Petitioners

Vs.

State rep.by
The Sub-Inspector of Police,
Kilpennathur,
Tiruvannamalai.
(Crime No.68 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.68 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Krishnamoorthy

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 publishable under Sections 294 (b), 323, 324, and 307 of IPC, in Crime No.68 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of the first petitioner, there was a dispute on account of family partition of the ancestral property in between them, due to which there was a wordy quarrel between them, the petitioners assaulted the defacto complainant and his family members, thereby the defacto complainant sustained injury in his head. Hence the complaint.

3. The learned Counsel for the petitioners would submit that there is a case in counter and that a false case has been foisted against them. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they are no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel between them due to which the petitioners abused and attacked the defacto complainant with knife and thereby, the defacto complainant sustained simple injury in his head and the injured discharged from the hospital. He would further submitted that there are no previous cases pending against the petitioners. He would submit that it is a case and case in counter. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a case in counter and the injured has been discharge 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 the Court's normal functioning whichever is earlier, before the learned **Principal District and Sessions Judge, Tiruvannamalai**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 first petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the second and third petitioners shall report before the respondent police daily 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 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/-
26/08/2020

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
KILPENNATHUR, TIRUVANNAMALAI.

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

CRL OP.12647/2020

Date :26/08/2020

MK:09/09/2020