

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12690 of 2020

1. Dhinakaran S/o Ravichandran
 2. Prithiviraj S/o Rajendran
 3. Eswaran S/o Pandiyan
- ... Petitioners

Vs.

State represented by
The Inspector of police,
Nagoor Police Station,
Nagapattinam District,
Crime No.1430 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.1430 of 2020 on the file of the respondent police.

For Petitioners : Mr. J.Jawahar

For Respondent : Mr.K.Prabakar,
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),
324 and 506 (ii) IPC, in Crime No.1430 of 2020, on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is
that the defacto complainant is running a hotel and A3 & A4 purchased
biriyanis without payment. The defacto complainant questioned them
and received money, later, all the accused came to the defacto
complainant's shop and attacked the defacto complainant with machete
and caused burn injuries by firewood. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent and that there was a quarrel in the TASMAC
shop and a false case has been foisted against them as if the
petitioners attacked the biriyani shop owner and submitted that A1 is
the main accused and he was arrested and released on bail and the
petitioners are only against the main accused for having used a knife.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners purchased biriyani from the defacto complainant's shop without paying money and when the same was questioned by the owner of the shop, the petitioners along with the other accused abused and attacked him with machete and caused burn injuries by firewood. He also submitted that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioners and that the victim has also 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 their 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 No-II, Nagapattinam on condition that the petitioner 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/-
21/08/2020

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, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.12690/2020

Date :21/08/2020

RD 11/09/2020

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