

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.12793 & 12817 of 2020

1.Selvarasu  
2.Ramki  
3.Periyasamy  
4.Perumal  
**(\*) 5.Manchamuthu**  
**S/o.Chinnathambi**

... Petitioners/Accused  
in Crl.O.P.Nos.12793/2020

1.Pachamuthu  
2.Selvarasu  
3.Periyasamy  
4.Manchamuthu  
5.Perumal  
6.Ramki  
7.Sellamuthu  
8.Saroja  
9.Amsavalli  
10.Periyammal  
11.Rupi  
12.Malar

... Petitioners/Accused  
in Crl.O.P.Nos.12817/2020

The State represented by,  
The Inspector of Police,  
Ramanatham Police Station,  
Cuddalore District.  
(Crime No. 1054 of 2020)

Vs.

... Respondent/Complainant  
in both petitions

Common Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest, pending investigation in Crime Nos.1054 & 1053 of 2020, on the file of the Ramanatham Police Station, Cuddalore District.

For Petitioners  
in both petitions : Mr.D.Ashok Kumar

For Respondent  
in both petitions : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

COMMON ORDER

(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 147, 148, 294(b), 323, 324 & 506(ii) of IPC, in Crime No. 1054 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the accused have assembled in front of the defacto complainant's brother's house and there was a wordy quarrel arose between them and at that time, petitioners have attacked the defacto complainant with wooden logs, caused damaged his house and also abused him in filthy language. Due to which, the defacto complainant has sustained injuries. Hence, the complaint.

3 The learned Counsel for the petitioner would submit the petitioners innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are relatives and due to a wordy quarrel, petitioners have attacked the defacto complainant with iron rod and caused head injury and they have also caused damage to EB meter. He would submit 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, Thittakudi, Cuddalore District, 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., for a period of two weeks and thereafter every Monday 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, these Criminal Original Petitions are 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.

**(\*) Amended as per Order of this Court dated 23/09/2020 made in Crl.MP.No.5623/2020 in Crl.OP.No.12793/2020**

TO

1 THE JUDICIAL MAGISTRATE, सत्यमेव जयते  
THITTAKUDI, CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
RAMANATHAM POLICE STATION,  
CUDDALLORE DISTRICT.

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

CRL OPs.12793 & 12817/2020

Date :25/08/2020