

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12768 of 2020

1.Karthik

2.Palaniammal

... Petitioners/Accused

Vs.

The State represented by,
The Inspector of Police,
Kangeyam Police Station,
Tirupur District.

(Crime No. 479 of 2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No. 479 of 2019 on the file of the respondent.

For Petitioners : Mr.M.Saravana Kumar

For Respondent : Mr.K.Prabakar

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), 323 and 506(ii) of IPC, in Crime No.479 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that due to land dispute, the petitioners abused the defacto complainant in filthy language and also attacked the defacto complainant and caused simple injuries. Hence, the complaint.

3 The learned counsel for the petitioner would submit that the petitioners were earlier granted bail by this Court in Crl.O.P.No.25782 of 2019, dated 26.09.2019. He would submit that the petitioners are mother and son and since, the mother is sick, they were unable to comply with the condition

imposed by this Court by surrendering within the prescribed period and thereby, earlier anticipatory bail got lapsed. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Government Advocate would submit that the injured has been discharged from the hospital and that there are no previous cases pending against 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 their 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, Kangeyam, Tirupur 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] If the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[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) ATP/SCW 5560] .

[g] 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,
KANGEYAM, TIRUPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPUR DISTRICT.

+1 CC to M/S. M.SARAVANAKUMAR Advocate on payment of
necessary charges SR NO. 6012

WEB COPY

CRL OP.12768/2020

Date :21/08/2020

GKS:27/08/2020