

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12893 of 2020

Arunmozhi Thambudurai

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Manalmedu Police Station,
Sirkazh Taluk,
Nagapattinam District.
Crime No.971 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.971 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.D.Saikumarran

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 323, 324 and 506(2) of IPC r/w Section 3(1) of Tamil Nadu Public Property (Prvnt. of Damage & Loss) Act, in Crime No.971 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Kadiravan is that on 10.08.2020, the petitioner and other accused persons participated in a funeral, while so he and the other accused had intercepted the defacto complainant's JCB and damaged the wind shield, due to which wordy quarrel between them. Thereafter, the petitioner and other accused persons attacked the defacto complainant with wooden log and thereby he sustained grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against him. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused persons participated in a funeral, while so they had intercepted the defacto complainant's JCB and damaged the wind shield, due to which wordy quarrel between them. The petitioner and other accused persons attacked the defacto complainant with wooden log on his head and back and caused grievous injuries. He would further submit that the victim has been discharged from the hospital and there is one previous cases pending against the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharge from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before **the learned Judicial Magistrate No.I, Myladuthurai**, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
03/09/2020

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,
MYLADUTHURAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
MANALMEDU POLICE STATION,
SIRKAZH TALUK,
NAGAPATTINAM DISTRICT.

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

CRL OP.12893/2020

Date :03/09/2020

MK:16/09/2020