

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13035 of 2020

1. N.Karunanidhi
 2. N.Pannerselvam
 3. K.Sathishkumar @ Sathish
 4. K.Dinesh Babu @ Dinesh
 5. K.Malathi
 6. P.Vigneshwara @ Vignesh
 7. P.Kala
- ... Petitioners

/versus/

State represented by
The Inspector of Police,
Thiruthuraipoondi Police Station
Thiruvarur District.
(Crime No.2338 of 2020)

Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No.2338 of 2020 on the file of Respondent Police.

For Petitioners : Mr.S.Arivazhagan

For Respondent : Mr.M.Mohamed Riyaz
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 147, 148, 294 (b), 324, 506 (ii) & 307 of IPC in Crime No.2338 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant , is that there is a dispute between the petitioners and the defacto complainant with regard to temple management. The petitioners assaulted the defacto complainant with knife and wooden log on the head as a result of which the defacto complainant sustained injuries. Hence the complaint.

3.The learned counsel for the Petitioner would submit that there was a previous enmity between the petitioners and the defacto complainant with regard to management of temple. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the accused assaulted the defacto complainant with knife and wooden log on the head. He further submitted that the injured has been discharged from the hospital and there are no previous cases pending as against the petitioners.

5.Taking into consideration the facts and circumstances of the case and also the submission made by both the learned counsel, 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 (15) days from the date of the commencement of the Court's normal functioning, before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, on condition that the petitioners 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 stay at Thanjavur report before the Thanjavur East Police Station every day at 10.30 a.m., for a period of four weeks and thereafter every Monday at 10.30 a.m., until further orders and the petitioners shall not enter into jurisdictional limits of the respondent police for the period of four weeks.

[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.

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

-sd/-

10/09/2020

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVAUR DISTRICT.

4 THE OFFICER INCHARGE,
THANJAVUR EAST POLICE STATION,
THANJAVUR.

CC to M/S S.ARIVAZHAGAN Advocate on payment of necessary charges sr.6212

CRL OP.13035/2020

सत्यमेव जयते Date :10/09/2020

RVR 15/09/2020

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