

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.13086 of 2020

1. Nongu Suresh @ Ramachandran
2. R.Parthiban

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Velur Police Station,
Namakkal District,
Crime No.614 of 2019

... 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.614 of 2019 on the file of the respondent police.

For Petitioners : Mr.S.Shankar

For Respondent : Mr.M.Mohammad Riyaz
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), 314, 324, 506(ii), 147 and 307 IPC, in Crime No.614 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 had dispute with the defacto complainant in taking coconut auction belonging to certain temple and the accused picked up quarrel with one Balaji and when the defacto complainant intercepted to pacify, at that time A1 along with the other accused attacked with wooden logs and caused injuries. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioners have moved a bail application in Crl.O.P.No.5501/2020 and the same was dismissed on the ground that the first petitioner is having 5 previous cases and the second petitioner is having one previous case against them and submitted that investigation has

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

4. The learned Additional Public Prosecutor would submit that the this Court had dismissed the earlier bail application and the first petitioner is having 5 previous cases and the second petitioner is having one previous case against them. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration that this is the fourth anticipatory bail application and taking into consideration that there are five previous cases of similar nature against the first petitioner, this Court had dismissed it, whereas, the first petitioner has repeatedly approached this Court for anticipatory bail. The first petitioner is directed to surrender before the concerned Court and as far as the second petitioner is concerned, taking into consideration that one previous case is pending against him and it is stated that the investigation is over, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions;

6. Accordingly, the second petitioner is directed to be released on bail in the event of arrest or on his 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, Paramathi, Namakkal, on condition that the second 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 second 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 second petitioner shall report before the respondent daily at 10.30 a.m. and 5.30 p.m. until further orders.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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 in respect of the second petitioner and dismissed in respect of the first petitioner.

-sd/-
27/08/2020

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,
PARAMATHI, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

CC to S.SHANKAR Advocate on payment of necessary charges

CRL OP.13086/2020

Date :27/08/2020

MK:11/09/2020