

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2020

CORAM :

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

Crl.O.P.No.13310 of 2020

1. Dhakuva @ Dhansik

2. Logesh

.. Petitioners

/versus/

State represented by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.454 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 their arrest in Crime No.454 of 2020 on the file of Respondent Police.

For Petitioners : Mr.T.Gopinathan

For Respondent : Mr.M.Mohamed Riyaz
Addl 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), 323, 324 and 307 of IPC in Crime No.454 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 on 06.07.2020, the petitioners consumed liquor in front of the temple and when it was questioned by the defacto complainant, the accused assaulted the defacto complainant with a wooden log as a result of which the defacto complainant sustained injuries.

3.The learned counsel for the Petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the occurrence took place on 06.07.2020 and the complaint has been given on 09.07.2020. Therefore, a false case has been foisted against them.

4.The learned Additional Public Prosecutor would submit that the petitioners consumed liquor in front of the temple and the petitioners are arrayed as A2 and A4. He further submitted that there is no previous case pending as against the first petitioner and

there is one previous case under Section 75 of the City Police Act, which is pending as against the second petitioner and A1 and A6 are notorious elements.

5. Taking into consideration the facts and circumstances of the case and also the fact that main accused has been arrested and there is no previous case pending as against the first petitioner and there is one previous case under Section 75 of the City Police Act pending as against the second petitioner, 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, Namakkal, 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 report before the respondent Police every day 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.

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,
NAMAKKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.T.GOPINATHAN Advocate on payment of necessary charges

CRL OP.13310/2020

Date :10/09/2020

RVR 24/09/2020