

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.Nos.13266 of 2020

1.Abdul Rahman ... Petitioners
2.Maideen @ Maideen Abdul Kadhar
3.Shahul Hameed
4.Noor Mohamed

Vs.

State represented by ... Respondent
The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
(Crime No.1438/2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.1438/2020 pending on the file of the respondent police.

For Petitioners : Mr. Swami Subramanian

For Respondent : Mr. M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The 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), 324 & 506(ii) IPC in Cr. No.1438 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 was wordy quarrel between the *de facto* complainant and the petitioners and due to which the petitioners assaulted the *de facto* complainant with stone and she sustained simple injury. Hence the complaint.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and are falsely implicated in this case. He would also submit that a counter case was also filed by the petitioners in this regard in Crime No.1473 of 2020. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Learned Additional Public Prosecutor would submit that there was a wordy quarrel between the petitioners and the *de facto* complainant due to which the petitioners have assaulted her with stones and thereby, she sustained simple injury and later discharged from hospital. He would submit that there are no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital, and a counter case is registered by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered 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 II, Mannargudi, 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:

[b] 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.

[c] **the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.**

[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 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
31/08/2020

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 NO.II, MANNARGUDI,
THIRUVARUR DISTRICT...

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.13266/2020

Date :31/08/2020

TA-22/09/2020

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