

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.13247 of 2020

1. Balaraman ... Petitioners
2. D.Boopathy
3. K.Sarathkumar

Vs.

The State rep by ... Respondent
The Inspector of Police,
Madurantakam police station,
Kancheepuram District.
Cr.No.891/2020.

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.891 of 2020 on the file of the respondent
police.

For Petitioners: Mr.G.Mageshkumar

For Respondent : Mr.M.Mohammad Riyaz
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the
respondent police for the offences publishable under Sections 294
(b), 324 and 506 (ii) IPC, in Crime No.891 of 2020, on the file of
the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.05.2020, the
petitioners assaulted the defacto complainant and his brother in
relation to the commotion among them in the road without any
previous enmity. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case. Hence, he prays for grant of anticipatory
bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to a wordy quarrel, the petitioners attacked the defacto complainant with wooden log at hands and head, thereby causing injuries. He further submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioners and that the victim has been discharged from hospital, 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 days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate, Madurantakam** on condition that the petitioners 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter every Monday 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.

7. 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,
MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADURANTAKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.13247/2020

Date : 31/08/2020

सत्यमेव जयते

TA-22/09/2020

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