

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13568 of 2020

1.Jegabar Ali, aged 65 years
S/o. Abdul Jaffar
2.Fathima Beevi, aged 60 years
W/o.Jegabar Ali
3.Wajith @ Abdul Wajith
S/o.Jegabar
4.Yasar @ Mohammed Yasar Deen
aged 38 years
S/o.Musthafa Kamal
All are residing at
Satthar Street
Pothakudi
Tiruvarur District. ... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Koothanallur Police Station
Koothanallur
Tiruvarur. ...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of his arrest in Crime No.1437 of 2020 pending on the file of respondent.

For Petitioners : Mr.B.Jawahar

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 alleged offences under Sections 294(b), 323 and 506(i) of IPC, in Crime No.1437 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. On the date of occurrence, there was a wordy quarrel between the petitioners and the de facto

complainant, as a result of which, the petitioners are said to have attacked the de facto complainant and caused simple injuries and there is a case in counter. The respondent police have registered FIR based on complaint given by both the sides in Cr.Nos.1437 & 1438 of 2020.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted the victim has already been discharged from the hospital. The learned counsel further submitted that there are no previous cases pending against the petitioners.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Mannargudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 for a period of two weeks and thereafter, as and when required for interrogation.

[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.

[g] 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].

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

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

-sd/-
03/09/2020

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,
NO.II, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
KOOTHANALLUR, TIRUVARUR.

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

CRL OP.13568/2020

Date :03/09/2020

RD 15/09/2020

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