

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.13920 of 2020

1. P.Saravanan
2. Hari @ Arumugam

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Latheri Police Station,
Vellore District.
Cr.No.946 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of his arrest in Connection with the Crime No.946 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.M.Illiyas

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This 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 294(b), 323, 307 and 506(I) of IPC, in Crime No.946 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.08.2020 while consuming liquor, there was a wordy quarrel between the petitioners and the de-facto complainant regarding temple issue. Therefore, the petitioners assaulted the de-facto complainant with a bottle in his stomach, as a result of which, he sustained injuries. Hence, the complaint.

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 A3 was arrested and released on bail. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that during quarrel, the first petitioner had broken a bottle and stabbed the victim, due to which victim sustained liver injury. The second petitioner has one previous case under SC/ST Act. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submissions of the learned Counsels appearing for both sides, this Court is not inclined to grant Anticipatory Bail to the first petitioner.

6. However, as the second petitioner is only present at the place of occurrence, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions;

7. 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Katpadi, on condition that the each of the second petitioner shall execute a 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 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 Police daily at 10.30 a.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.

8. With the above directions, this Criminal Original Petition is ordered in respect of the second petitioner.

-sd/-
11/09/2020

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,
KATPADI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
LATHERI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.13920/2020

cs 22/09/2020

Date: 11/09/2020

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