



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

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THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.13636 of 2020

Sivaguru Subravelu

... Petitioner

Vs.

The State Represented by,

...Respondent

The Inspector of Police,

Vaitheeswaran Koil Police Station,

Nagapattinam District.

(Cr.No.480 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.480 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.D.Saikumaran

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 324, 307 and 506 (ii) of IPC and subsequently altered to Sections 147, 148, 294 (b), 324, 506 (ii) and 302 of IPC, in Crime No.480 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Ramachandran is that on 09.06.2020 at 8.30 p.m., the defacto complainant's son had come out of the house and at that time, one Anandan had spit on his face. Subsequently, Selvam @ Ravichandran, Aravind, Balaguru S/o. Subravelu and Sivasamy S/o. Subravelu had abused his son and also assaulted him with wooden log indiscriminately. Thereafter, the defacto complainant had admitted his son in the hospital. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are the members of the same village and they are known to each other. Even as per the complaint, the name of the petitioner is not found in the FIR and apart from the named persons, others also attacked the son of the defacto complainant. Based on the alleged confession statement recorded from one of the accused namely, Balaguru, the petitioner's name was unnecessarily implicated in this case. He would further submit that the arrested accused have been enlarged on bail and the defacto complainant has categorically stated about the accused and also spoken about the specific overt act as against the petitioner who was present in the scene of occurrence. The petitioner has been falsely implicated in this crime. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioner along with other accused have assaulted the defacto complainant's son with wooden log indiscriminately and the name of the petitioner does not find place in the FIR. One of the arrested accused namely Balaguru had spoken about the involvement of the petitioner and the petitioner was implicated in this crime. He would further submit that the arrested accused were enlarged on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned Counsel on either side. Perused the F.I.R. and also the other materials placed on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the Judicial Magistrate, Sirkazhi** on condition that the 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 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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/11/2020

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,
SIRKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAITHEESHWARAN KOIL POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.13636/2020

Date :18/11/2020

TA-08/12/2020