

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.13577 of 2020

1. Aravind
S/o.Dharmalingam
2. Arivazhagan
S/o.Dharmalingam
3. Dharmalingam
S/o.Swaminathan
4. Azhaganadham
S/o.Dharmalingam
5. Akash
S/o.Murugan

... Petitioners

Vs.

The State Represented by,
The Sub Inspector of Police,
T.Palur Police Station,
Ariyalur District.
Crime No.825 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 their arrest in Connection with the Crime No.825 of 2020 pending on the file of the respondent police.

For Petitioners

: Mr.L.UthayKumar

For Respondent

: Mr. M.Mohamed Riyaz,

Additional Public Prosecutor

WEB COPY
ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 and 506(ii) of IPC in Crime No.825 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners extracting river sand from Kollidam river and it was questioned by the defacto
<https://ncsp.icea.gov.in/ds-services> officers, due to which wordy quarrel between them.

Thereafter, the petitioners attacked the defacto complainant with hands and thereby the defacto complainant sustained simple injuries. Hence, the complaint.

3. The 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. He would further submit that a false case has been foisted against them. He would also submit that a counter case was also filed by the petitioners in this regard in Crime No.824 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel between them and thereafter, the petitioners abused and attacked the defacto complainant with hands and thereby the defacto complainant sustained simple injuries. He would also submit that a counter case was also filed by the petitioners in this regard in Crime No.824 of 2020. He would further submit that there are no previous cases pending against the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a case in counter and the injured has been discharge from the 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Jayamkondam 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:

[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 Police daily at 10.30 a.m., for a period of two weeks and thereafter on 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.

8.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,
JAYAMKONDAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT,

CC to M/S. L.UTHAY KUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.13577/2020

Date :03/09/2020

RD 16/09/2020