

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.13674 of 2020

1. Gopi ... 1st Petitioner / 1st Accused
2. Muniraj ... 2nd Petitioner / 2nd Accused
3. Ellamma ... 3rd Petitioner / 3rd Accused

Vs.

State rep. By its
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Cr. No.515 of 2020)

... Respondent

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

For Petitioners : Mr.D.Arun

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

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 447,
294(b), 323, 324 and 506(i) of IPC, in Crime No.515 of 2020, on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a pathway
dispute between the petitioners and the de-facto complainant and due
to which, the petitioners alleged to have attacked the de-facto
complainant with wooden log and caused injuries. Hence the
complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are an 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 there was a wordy quarrel between the petitioners and the de-facto complainant and the petitioners have attacked the de-facto complainant and thereby caused injuries to the de-facto complainant. He would further submit that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners. He further submit that there was a counter case in Crime No.516 of 2020 against the de-facto complainant. 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 lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - II, Hosur, Krishnagiri District on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

[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/-

04/09/2020

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, HOSUR, KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MATHIGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.13674/2020

Date :04/09/2020

RVR 23/09/2020

सत्यमेव जयते

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