

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13977 of 2020

1.Prabakaran

2.Sudhakaran

... Petitioners

Vs.

The State rep by
The Inspector of Police
Palur Police Station,
Kancheepuram District.
Crime No.575 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.575 of 2020 on the file of the respondent police.

For Petitioners : Mr.G. Magesh Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) IPC, in Crime No.575 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathish is that on 03.08.2020 when the petitioners were attending the funeral of their Aunt's death, there ensued altercation between the petitioners' family and the defacto complainant in respect of contributing money for the funeral expenses during which, the petitioners assaulted the defacto complainant with wooden log. Hence the complaint.

3. Th learned Counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would submit that A1 in this case was arrested and later released on bail by the lower Court in CrI.M.P.No.3104 of 2020 on 20.08.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Chengalpattu, on condition that each 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 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, 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/09/2020

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.I, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PALUR POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.13977/2020

Date :09/09/2020

RVR 25/09/2020



WEB COPY