

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.14135 of 2020

1. Sivakumar
2. Mohanraj
3. Chakravarthy
4. Manikandan
5. Hemalatha

... Petitioners /
(A1, A3 to A6)

-vs

State Rep. By
The Inspector of Police,
Ponnur Police Station,
Thiruvannamalai District.
Crime.No.726 of 2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.726 of 2020 on the file of the respondent Police.

For Petitioners : Mr.V.R.Appaswamee
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 offences punishable under Sections 147, 447, 294(b), 324 and 307 of IPC in Crime No.726 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Malliga is that on 03.08.2020 the petitioners and others due to a land dispute trespassed into her house and assaulted her son viz., Ashok Kumar with wooden logs and abused him with filthy language and also assaulted with knife causing bleeding injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated

in this case due to a land dispute. He would further submit that this is the second petition for anticipatory bail and the earlier petition for anticipatory bail filed in CrI.Op No.12249 of 2020 was dismissed on the ground that the victim has suffered a stab injury and the victim was in the hospital. He would submit that the other accused viz., Poongavanam, A1 has been arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners were trespassed into the house of the de-facto complainant and assaulted her son with wooden logs and knife and due to which, he sustained injuries in ribs and hospitalised. He would further submit that the main accused Poongavanam was arrested and enlarged on bail. He would also submit that the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsel 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 petitioner is directed to be released on bail in the event of arrest or on his 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, Vandavasi**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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. 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/-
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,
VANDAVASI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PONNUR POLICE STATION,
THIRUVANNAMALAI DISTRICT

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.6233

CRL OP.14135/2020

Date :11/09/2020

GKS:21/09/2020