

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.14251 of 2020

1.Jayakanthan
S/o.Kudiyan

2.Jayachandran
S/o.Sampan

3.Kudiyan
S/o.Sampan

4.Lakshmanan
S/o.Samba

5.Selvi
W/o.Kudiyan

6.Indra Gandhi
W/o.Jayachandiran

... Petitioners/A1, A3-A7

Vs.

State Represented by,
The Inspector of Police,
Tirupathur Taluk Police Station,
Vellore District.

Crime No.797 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.797 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.M.Sivavarthanan

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

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, 148, 294(b), 323, 324, 307 of IPC, in Crime No.797 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant M.Sathish is that the petitioners are the adjacent land owners and they have got dispute regarding the way to the land and hence, the petitioners and defacto complainant quarreled with each other and the petitioners assaulted the defacto complainant and thereby the defacto complainant sustained grievous injuries.

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 due to previous enmity, a false case has been foisted against them and therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally seven accused persons in which A2 was arrested and released on bail. He would also submit that due to the pending Civil dispute, the petitioners along with the arrested accused abused the defacto complainant with filthy language and assaulted him and caused injury on his head. He would further submit that the victim has been discharged from the hospital and 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 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 No.II, Tirupathur, 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 1 to 4 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 5 and 6 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

14/09/2020

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, TIRUPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUPATHUR TALUK POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.M.SIVAVARTHANAN Advocate on payment of necessary charges sr. No. 6379

CRL OP.14251/2020

Date :14/09/2020