

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.Nos.14458 & 14583 of 2020

Crl.O.P.No.14458 of 2020

1. Ramesh @ Ravi	... Petitioners
2. Settu	
3. Manikandan	
4. Ajith @ Ajithkumar	
5. Raja	
6. Kishore	

Vs.

The State Represented by,	...Respondent
The Inspector of Police,	
Sadras Police Station,	
Kancheepuram District.	
(Cr.No.787 of 2020)	

Crl.O.P.No.14583 of 2020

1. O.E.Sankar	... Petitioners
2. A.K.Logu	
3. G.R.S.Ravi	
4. Vinayagam	
5. Mohan @ Maya Mohan	
6. Manikandan	

Vs.

State rep. By	... Respondent
The Inspector of Police,	
Sadras Police Station,	
Chengalpattu,	
Kancheepuram District.	

Common Prayer: Criminal Original Petitions 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.787 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.V.Parthiban
in both CrI.O.Ps
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
in both CrI.O.Ps

COMMON ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 324 and 506 (ii) of IPC, in Crime No.787 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Malathi, is that on 02.07.2020 due to dispute regarding painting an advertisement on the wall, the accused assaulted her husband with iron rod, wooden log and machete due to which he sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to intra party rivalry. The petitioner and the defacto complainant's husband belong to two different groups in a same political party and that purposely the false complaint was given. Though, the offence is alleged to have been committed on 02.07.2020, the complaint was given after two days on 04.07.2020 and the defacto complainant having pinpointedly given the details of the accused would go to show that it is a complaint given after deliberation. He would further submit that the victim has been discharged from the hospital on the same day. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to political enmity, the petitioners assaulted the defacto complainant's husband due to which he sustained serious injuries. However, due to Covid scare, the victim has been discharged from the hospital and he is taking treatment in a private hospital. He would further submit that the accused are notorious elements. As far as CrI.O.P. No. 14458 of 2020 is concerned, the first petitioner is involved in five previous cases of similar nature and as far as the second petitioner is concerned, he has two previous cases during the year 2014 and 2015 and as far as the third petitioner is concerned, he has one previous case and the fourth petitioner has no previous case and the fifth petitioner has one previous case and the sixth petitioner has no previous case. He would further submit that in CrI.O.P.No.14583 of 2020, the first petitioner has one previous case and the second petitioner has one previous case and petitioners 3 to 5 have no previous cases and

the sixth petitioner has one previous case. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that there are five previous cases as against the first petitioner in Crl.O.P.No.14458 of 2020, this Court is not inclined to grant anticipatory bail to the first petitioner in the said O.P. and petition stands dismissed as far as the first petitioner in Crl.O.P. No. 14458 of 2020 is concerned.

6. As far as the other petitioners in both petitions are concerned, this Court is inclined to grant anticipatory bail to them subject to the following conditions;

7. Accordingly, except the first petitioner in Crl.O.P. No. 14458 of 2020 is concerned, the other 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 District Munsif cum Judicial Magistrate, Thirukazhukundram**, on condition that the each of 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 said 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 stay at Vellore and report before the Vellore North Police Station every day at 10.30.am. until further orders. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent police.

[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, these Criminal Original Petitions are ordered.

-sd/-
23/09/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION,
CHENGALPATTU,
KANCHEEPURAM DISTRICT

5 THE OFFICER INCHARGE
NORTH POLICE STATION,
VELLORE.

+1 CC to M/S. V. PARTHIBAN Advocate on payment of necessary charges SR.NO.6396, 6397

CRL OP.14458 & 14583/2020

Date :23/09/2020

TA-01/10/2020