

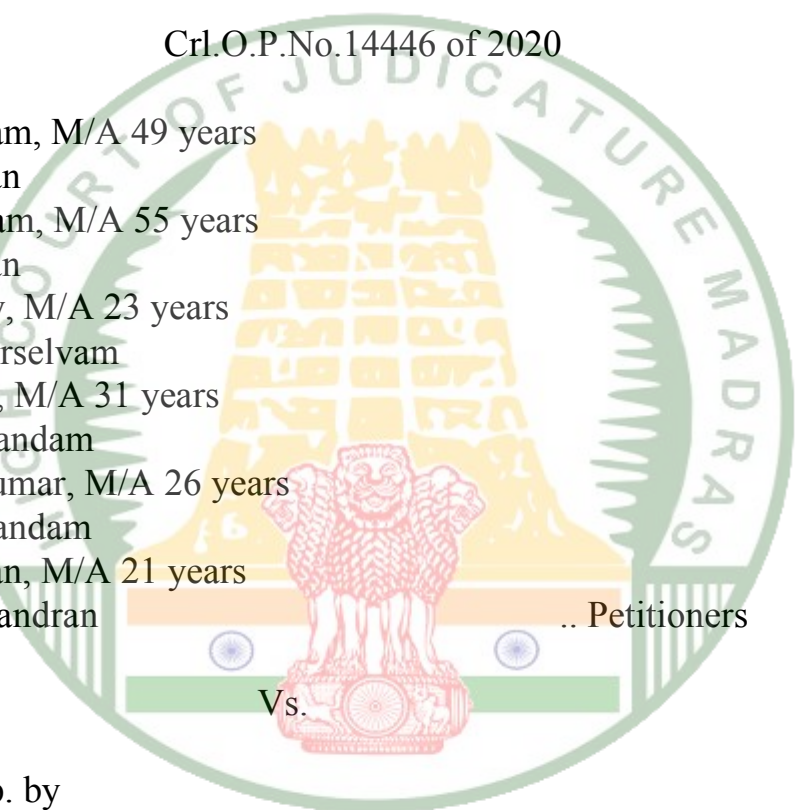
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.14446 of 2020

- 
- 1.Anbanandam, M/A 49 years
S/o.Palaiyan
2.Jeevanandam, M/A 55 years
S/o.Palaiyan
3.Palanisamy, M/A 23 years
S/o.Panneerselvam
4.Madhanraj, M/A 31 years
S/o.Jeevanandam
5.Saravanakumar, M/A 26 years
S/o.Anbanandam
6.Janakiraman, M/A 21 years
S/o.Balachandran .. Petitioners

Vs.

The State rep. by
The Inspector of Police
Aalivalam Police Station
Tiruvarur District.

(Crime No.1150 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1150 of 2020 on the file of the respondent, the Inspector of Police, Aalivalam Police Station, Tiruvarur District.

For Petitioners : Mr.N.Palanivel

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 of IPC, in Crime No.1150 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Raghavan, is that due to previous enmity, the petitioners along with another accused have joined together and assaulted de-facto complainant and his relatives with iron rod, due to which, the de-facto complainant and his relatives sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case, due to political motive. He would further submit that the arrested accused / A7 has been enlarged on bail and the injured has been discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with another accused have assaulted the de-facto complainant and his family members with iron rods, due to which, the de-facto complainant and his relatives sustained injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners are ready to abide by any stringent condition that may be imposed on them by this Court.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Thiruthuraipoondi**, on condition that the petitioners 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:

[b] 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.

[c] the petitioners shall stay at Sivagangai and report before the Sivagangai Town Police Station daily at 10.30 a.m., until further orders and the petitioners shall not enter into the jurisdictional limits of the respondent police.

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

[e] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

With the above direction, this Criminal Original Petition is ordered.

WEB COPY 06.10.2020

Index: Yes/No.
Internet/Yes/No
uma

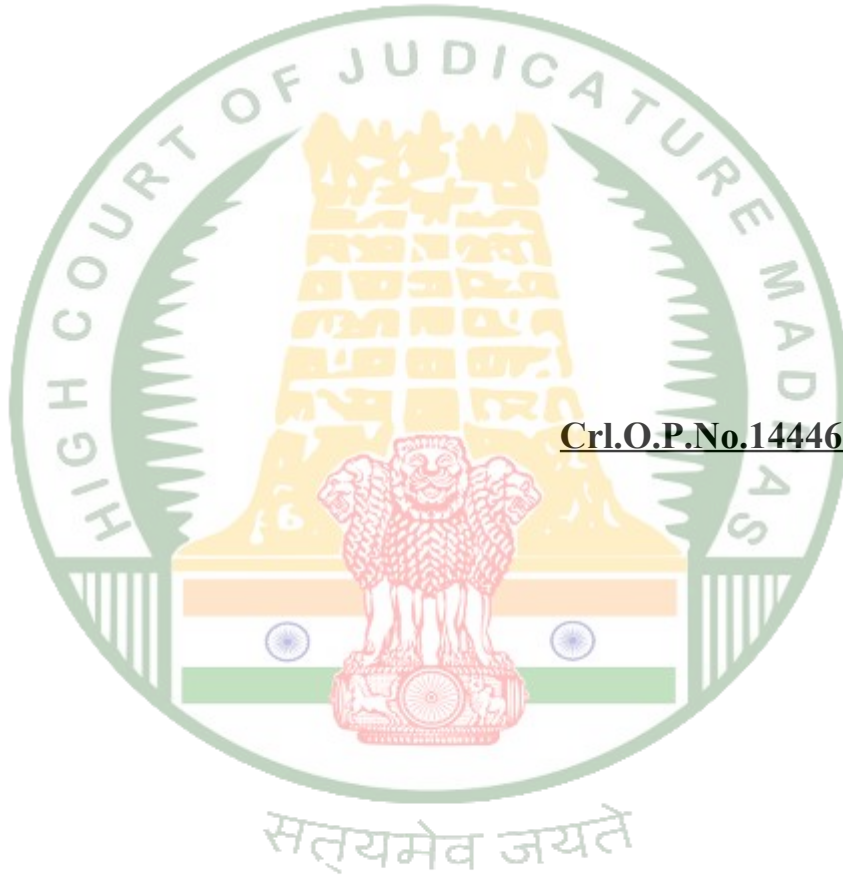
To

- 1.The Judicial Magistrate, Thiruthuraipoondi
- 2.The Inspector of Police
Aalivalam Police Station
Tiruvarur District.
3. The Public Prosecutor
High Court of Madras.



WEB COPY

A.D.JAGADISH CHANDIRA,J
uma



Crl.O.P.No.14446 of 2020

WEB COPY

06.10.2020