

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14802 of 2020

1.Balamurugan @ Balu
2.Murugeswaran @ Murugan
3.Karuppasamy

... Petitioners

Vs.

The State rep.by,
The Inspector of Police,
Thirumuruganpoodi Police Station,
Tiruppur District.
(Crime No.3274 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 their arrest in Crime No.3274 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Padmanabhan

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 and 506(ii), subsequently, it was altered as 307 of IPC, in Crime No.3274 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners suspecting that the de-facto complainant had informed about their gambling activities to the respondent police, they assaulted the de-facto complainant with wooden logs and caused injury. 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. He would further submit that the de-facto complainant in drunken mood quarrelled with the petitioners and thrown stones against the petitioners, when the same was questioned by the petitioners, this complaint has been filed. He would further

submit that the second petitioner has been arrested and remanded to the judicial custody. Since the injured has been discharged from the hospital, he prays to grant anticipatory bail to the petitioners 1 and 3.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners suspecting that the de-facto complainant had informed the police about their gambling activities, they assaulted the de-facto complainant. He would further submit that the injured has been discharged from the hospital. He would further submit that there are two previous cases against the first petitioner for involvement in gambling activities and there is no previous case against the third petitioner. The second petitioner has been arrested and remanded to the judicial custody. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the second petitioner has already been arrested, this petition is dismissed in respect of the second petitioner.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 with the following conditions:

7. Accordingly, the petitioners 1 and 3 are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate IV, Tiruppur, on condition that the petitioners 1 and 3 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 1, 3 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 and 3 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1 and 3 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 1 and 3 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered in respect of the petitioners 1 and 3.

-sd/-
28/09/2020

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.IV, TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUMURUGANPOODI POLICE STATION,
TIRUPUR DISTRICT.

+1 CC to M/S T. PADMANABHAN Advocate on payment of necessary
charges SR.No.6512

CRL OP.14802/2020

Date :28/09/2020

cs 06/10/2020