

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15406 of 2020

1. A. Nagarajan
2. N. Nagarjuna

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Shevapet Police Station,
Salem District - 636 002.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest by the respondent police pending investigation of the case in Crime No.887 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Kanagaraj

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 offences punishable under Sections 294(b), 323, 325, 506(ii) of IPC in Crime No.887 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, a wordy quarrel arose between the petitioners and the defacto complainant, the petitioners abused and attacked the defacto complainant with hand and legs and also threatened him with dire consequences and thereby the defacto complainant sustained simple injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He would submit that there are no previous cases pending as against the petitioners. He would also submit that a counter case was also filed by the petitioners in this regard in Crime No.888 of 2020. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a case in counter and the injured has been discharged 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 their arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court - III, Salem, on condition that each 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 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday 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/-
30/09/2020

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.III, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM DISTRICT - 636 002.

+2 CC to M/S. C.KANAGARAJ Advocate on payment of necessary charges
SR.No.6585

CRL OP.15406/2020

Date :30/09/2020

cs 12/10/2020

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