

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15049 of 2020

1. John Paul ... Petitioners
2. Anthonyhentry
3. Johnson
4. Kabil Dass
5. Vinothagan

Vs.

The State rep. by its, ... Respondent
The Inspector of Police,
Thamapatti Police Station,
Salem District.
Crime No.243 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge on bail to the petitioners in the event of arrest in connection with Crime No.243 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.C.Ramesh

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते

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 punishable under Sections 147, 294(b), 323, 324 and 506(i) of IPC, in Crime No.243 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, there was a wordy quarrel between the petitioners and the de-facto complainant. In view of that, the petitioners abused the de-facto complainant in filthy language and attacked him with hands at wooden logs and caused injury. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the de-facto complainant had attacked the petitioners with iron rod, wooden logs and knife and due to which, the fifth petitioner was admitted along with others in the Government Hospital and they have given a complaint before the respondent police, which was registered in Crime No.244 of 2020. He would further submit that it is a counter case to the earlier complaint given by the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners abused the de-facto complainant in filthy language and assaulted him and caused injury and now, the injured has been discharged from the Hospital. He would further submit that there is no previous case against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Attur, 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 shall report before the respondent police everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/09/2020

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,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THAMAMPATTI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.E.C.RAMESH Advocate on payment of necessary
charges SR.NO.6613

CRL OP.15049/2020

Date :24/09/2020

TA-06/10/2020