

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14505 of 2020

1. Panneer
2. Valarmathi
3. Nithish Kumar

... Petitioners

Vs.

State Rep. By Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.570 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

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), 323, 324, 506(ii) of IPC, in Crime No.570 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Pandurangan is that the defacto complainant and the first petitioner are brothers and there was enmity between them in respect of taking power supply from the well fixed with motor pump set. In continuation of the same, on 22.08.2020 at about 1 p.m., when the defacto complainant and his wife and daughter were working near the well, the petitioners came there and scolded them with filthy language and also attacked them with iron rod, knife and Thonnai due to which, they 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. He would further submit that there is counter case in Crime No.571 of 2020 against the defacto complainant and his family members. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that injured has been discharged from the hospital and there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into Consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there is a case is counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 commencement of the Court's normal functioning, before the learned District Munsif cum Judicial Magistrate, Pochampalli, on condition that each petitioner shall execute a 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 1st and 3rd petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders. The 2nd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/09/2020

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, POCHAMPALLI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.14505/2020

Date :17/09/2020

RVR 24/09/2020

सत्यमेव जयते

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