

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.14676 and 14701 of 2020

Ramachandran ... Petitioner/Accused No.5 in
Crl.O.P.No.14676/2020

Balasubramanian @ Bala ... Petitioner/Accused No.1 in
Crl.O.P.No.14701/2020

Vs.

State Rep. by,
The Inspector of Police,
Velampalayam Police Station,
Tiruppur City.

Crime No.1305 of 2020 ... Respondent in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in respect of Crime No.1305 of 2020 on the file of the respondent police.

For Petitioners in
both Crl.O.Ps. : Mr.P.P.Alwin Balan

For Respondent in
both Crl.O.Ps. : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

COMMON 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 147, 148, 294(b), 324 and 506(ii) of IPC and Section 3 of Tamil Nadu Public (Damages and Prevention) Property Act, in Crime No.1305 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Vigneswaran is that the petitioners, who were arrayed as A5 & A1, and the de-facto complainant were working in a Company and there was a dispute between them. In view of that, the accused Nos.2, 3 and 4, who are outsiders (from Madurai, Usliampatti Area), were engaged by petitioners and assaulted the de-facto complainant with wooden logs and stone on his head and face and also damaged his vehicle. Further, the accused took the two wheeler of the de-facto complainant and did not return to him. 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. The petitioners and the de-facto complainant are working in a Company, and there was a quarrel between the first accused and the de-facto complainant. Hence, the de-facto complainant assaulted the second accused one Mariappan and he sustained injuries, against which, a complaint has been registered against the de-facto complainant and his friends in Crime No.1306 of 2020. He would further submit that the 2nd accused has been arrested and later enlarged on bail. He would further submit that the two wheeler alleged to have been taken by the petitioners were handed over to the de-facto complainant. He would further submit that the petitioners have no bad antecedent. 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 and the de-facto complainant are working in the same Company and there was a dispute between each other, due to which, A1 engaged some outsiders from Madurai and assaulted the de-facto complainant. He would further submit that there are no previous case against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, 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.III, Tiruppur, 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., 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 Petitions are ordered.

-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 COURT NO.III,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

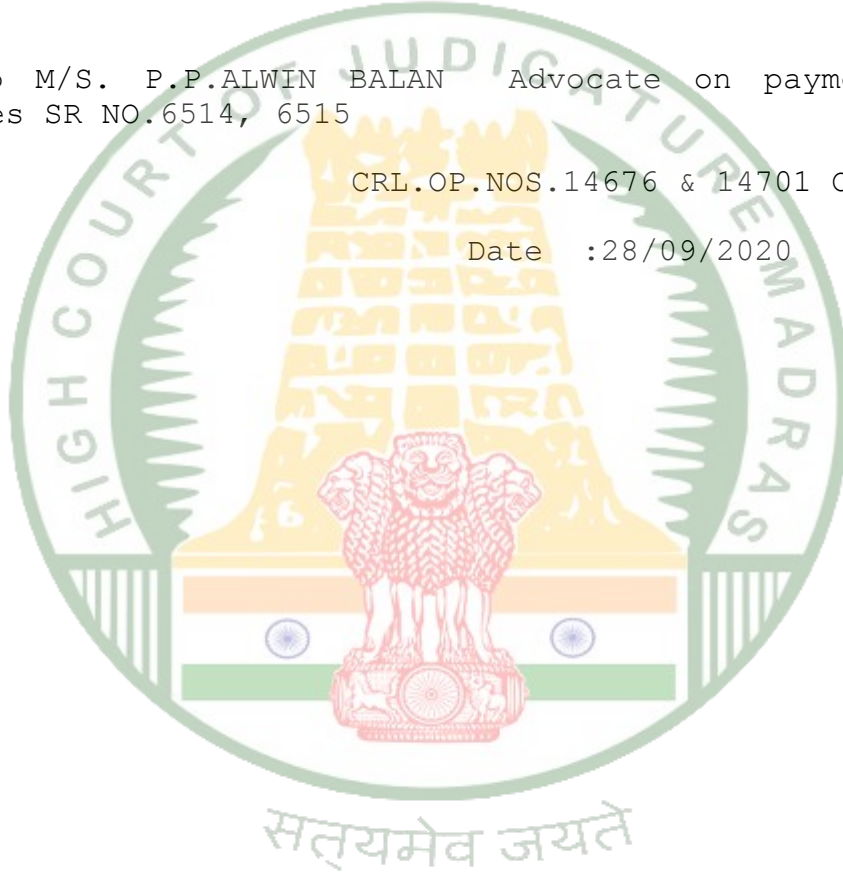
3 THE INSPECTOR OF POLICE,
VELAMPALAYAM POLICE STATION,
TIRUPPUR CITY.

+4CC to M/S. P.P.ALWIN BALAN Advocate on payment of
necessary charges SR NO.6514, 6515

CRL.OP.NOS.14676 & 14701 OF 2020

Date :28/09/2020

MK:08/10/2020



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