

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.15022 of 2020

1. V.Ramasamy
S/o. Velusamy Gounder

2. V.Ramalingam
S/o. Velusamy Gounder

3. Ramesh @ Yuvaraj
S/o. Ramasamy

4. R.Suresh
S/o. Ramalingam

... Petitioners

Vs.

The State represented by
The Inspector of police,
Kanniyur Police Station,
Tiruppur District.
Crime No.621 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No.621 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.R.Arun Kumar
For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This 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 341, 294(b), 324 and 506 (1) of IPC in Crime No.621 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that due to land dispute, there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners also assaulted the de facto complainant with an iron rod on his shoulder as a result of which he 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 they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

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

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, 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 from the date on which the copy of this order made ready, 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 Judicial Magistrate - I, Udumalpet, 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 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 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.

06.10.2020

dh

Internet: Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

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A.D.JAGADISH CHANDIRA, J

dh

To

1. The Judicial Magistrate - I,
Udumalpet.
2. The Inspector of police,
Kanniyur Police Station,
Tiruppur District.
3. The Public Prosecutor,
Madras High Court, Chennai.



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