

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15907 of 2020

1.V.Dinesh

... Petitioners

2.Gopi

Vs.

The State Represented by
The Inspector of Police,
Mappedu Police Station,
Thirupporur Taluk,
Thiruvallur District.
(Crime No.109 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest in connection with Crime No.109 of 2019, pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Premkumar

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 147, 148, 447, 294 (b), 324 and 307 of Indian Penal Code, 1860, in Crime No.109 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a business rivalry between him and the accused. While so, on the date of occurrence, the petitioners along with other accused had trespassed into the house of the defacto complainant, abused him and also assaulted him with knife causing

injuries. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, due to business rivalry. He would further submit that the co-accused in this case were earlier arrested and released on bail following which, the petitioners were granted anticipatory bail by this court in Crl.O.P.No.13156 of 2019 on 03.06.2019. However, the petitioners were unable to surrender before the concerned court within the time stipulated by this Court and hence, the earlier order got lapsed and thereby the present petition has been filed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners due to business rivalry trespassed into the house of the defacto complainant along with the other accused and assaulted him. He would further submit that the petitioners were earlier granted anticipatory bail by this court in Crl.O.P.No.13156 of 2019 on 03.06.2019. However they did not surrender and execute the sureties before the concerned court and thereby the earlier order got lapsed.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) 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 on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Thiruvallur**, on condition that the petitioners shall **pay a cost of Rs.2,000/- each, to the District Legal Services Authority, Thiruvallur District**, and they 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 conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioners shall stay at Krishnagiri and report before the Krishnagiri Town Police Station twice daily at 10.30 a.m. and 05.00 p.m. until further orders;**

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigating or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

08/10/2020

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,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
THIRUPPORUR TALUK,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
KRISHNAGIRI TOWN POLICE STATION
KRISHNAGIRI.

6 THE DISTRICT LEGAL SERVICES AUTHORITY,
THIRUVALLUR DISTRICT.

7 THE SECRETARY,
HIGH COURT LEGAL SERVICE COMMITTEE
HIGH COURT, MADRAS.

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

CRL OP.15907/2020

Date :08/10/2020