

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.15105 of 2020

1. Aruneswaran
S/o. Perumal

2. Lalitha
W/o. Aruneswaran

... Petitioners

Vs.

State, rep. by the
Inspector of Police,
KOTTUR Police Station,
Thiruvarur District.
[Crime No.1292 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.1292 of 2020, on the file of the respondent police.

For Petitioners : Mr.J.Jawahar

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 offence punishable under **Sections 294(b), 324, 279 of IPC read with Section 4 of TNHW Act**, in Crime No.1292 of 2020, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Anjammal is that on 11.08.2020, due to property dispute, the petitioners dashed the defacto complainant's brother-in-law in a motor cycle due to which, he sustained injury on his private part.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they are the neighbours of the defacto complainant. Due to enmity, a false complaint has been given against the petitioners. He would further submit that there is a case in counter in Crime No.1291 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the

injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submissions of the learned counsels 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 subject to the following conditions;

6. Accordingly, the petitioners are ordered 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 order copy is made ready**, before the **learned Judicial Magistrate-I, Mannargudi, Thiruvarur District**, 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 stay at Mannargudi and report before the Mannargudi Town Police Station every day at 10.30 a.m., for a period of two weeks. The petitioners shall not enter into the jurisdictional limits of the respondent police during the above said period. Thereafter, shall report before the respondent police every Monday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

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

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

08.10.2020

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To

1.The Judicial Magistrate No.I,
Mannargudi, Thiruvarur District.

2.The Inspector of Police,
KOTTUR Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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