

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 15380 of 2020

1.Ragavan ...Petitioners/ Accused Nos.1 to 3, 8 to 11
2.Panneerselvam
3.Dhanabal
4.Silambarasan
5.Manikandan
6.Anbzhagi
7.Mahalakshmi @ Divya

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Alivalam Police Station,
Tiruvarur District.
[Crime No. 1149 of 2020]

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. 1149 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Mayilnathan
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, 294(b), 355, 323, 324 and 307 of IPC, 1860, in Crime No. 1149 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz. Ragavan is that due to previous enmity, the petitioners have waylaid, abused and assaulted the defacto complainant and his

friends with iron pipe and wooden log, due to which, he and his friends sustained injuries. Hence, the complaint.

3 The learned counsel for the petitioners would submit that the petitioners are innocent persons and that a false complaint has been registered against them due to political animosity. He would submit that it is a case and case in counter and the counter case has been registered against the defacto complainant in Crime No.1150 of 2020. He would also submit that the second petitioner has been severely injured in the incident and that he has undergone surgery and he has been discharged from the hospital only on 11.09.2020. He would also submit the petitioners have no previous case against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity and political animosity, the petitioners have assaulted the defacto complainant and his friends. He would submit that there is a counter case in crime No.1150/2020 and that there is no previous case pending against the petitioner. He would also submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions made by the learned Counsel and the fact that the victim has been discharged from the hospital and that there is a counter case, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruthuraipoondhi, on condition that each petitioner 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 1, 3, 4 & 5 shall stay at Trichy and report before the Cantonment Police Station, every day at 10.30 a.m., until further orders. The second petitioner shall report before the respondent police as and when required for interrogation. The petitioners 6 & 7 shall report before the respondent police every day 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.

-sd/-

29/09/2020

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,
THIRUTHURAIPOONDHI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,
CANTONMENT POLICE STATION,
TRICHY.

+2 CC to M/S. S.MAYILNATHAN Advocate on payment of necessary charges SR.NO.6507

CRL OP.15380/2020

Date :29/09/2020