

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.15311 of 2020

1. K.Balagurunathan @ Manikandan
2. K.Vijayakumar @ Vijay
3. Nishanth Babu @ Nisan

... Petitioners

Vs.

The State Represented by,
The Sub-Inspector of Police,
Ethappur Police Station,
Salem District.
(Cr.No.636 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of their arrest in Connection with the Crime No.636 of 2020 pending on the file of the respondent police.

For petitioner : M/s. A.Rajakumar

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 alleged offences punishable under Sections 294(b), 324 and 506 (ii) of IPC, in Crime No.636 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is a land dispute between the petitioners and defacto complainant. On the day of occurrence, there was word quarrel between the petitioners the defacto complainant and the petitioners abused the defacto complainant with filthy language and assaulted, due to which the defacto complainant sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against them. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit the said occurrence was taken place due to wordy quarrel with regard to the land dispute between the petitioners and the defacto complainant. He would further submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the injured has been discharged from the hospital, 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 (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate I, Salem, on condition that the each of 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 daily at 10.30 a.m., for a period of two weeks and thereafter on 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/ 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.

8. 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,
NO.I, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.

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

CRL OP.15311/2020

Date: 29/09/2020

cs 09/10/2020

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