

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15561 of 2020

1. ELUMALAI Petitioners
2. LINGANATHAN
3. GOVINDAN

Vs.

The Inspector of Police, Respondent
Thirukazhukundram Police Station,
Kanchipuram District.
(Crime No.932 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 in Crime No.932 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.V.G.Kartheeban
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 alleged offences punishable under Sections 294(b), 323, 324, 427, 430, 379 and 506(ii) of IPC, in Crime No. 932 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he had taken photographs of the illegal activities of the petitioners due to which, the petitioners got enraged and assaulted him on his leg with stone and iron rod. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the injured

has been discharged from the hospital. He further submitted that there is a case in counter in Crime No.933 of 2020 registered against the defacto complainant on the complaint given by the petitioners' side. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that during a quarrel, the petitioner assaulted the defacto complainant on his legs with stone and iron rod. He would further submit that there is a case in counter in Crime No.933 of 2020 and that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsels and the injured 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;

[a] 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 a copy of this order is 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 District Munsif cum Judicial Magistrate, Tirukazhukundram, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/10/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
COURT, TIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUKAZHUKUNDRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary
charges SR.NO.32603

सत्यमेव जयते CRL OP.15561/2020

Date :05/10/2020

TA-14/10/2020

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