

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.15713 of 2020

1.Sathish
2.Paranthaman
3.Anbu
4.Senthil
5.Sathiyaraj
6.Jayaprakash
7.Barathiraja
8.Ramu
9.Manimaran

... Petitioners

Vs.

State Represented by,
The Inspector of Police,
Mailam Police Station,
Tindivanam Taluk,
Villupuram District.
Crime No.1502 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.1502 of 2020 registered on the file of the respondent for the alleged no bailable offences pending investigation of the above crime.

For Petitioners

: Mr.B.Ajay Kumaran

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 147, 148, 148A, 294(b), 341, 324, 307 IPC r/w. Section 3 of the

Tamilnadu Public Property Prevention of Damage and Loss Act, in Crime No.1502 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Santha is that the petitioners suspected that the brother of her husband is responsible for the murder of the first petitioner's son and thereby, the petitioners along with other accused assaulted the brother of the defacto complainant and also caused damages to the household articles. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are respectively A9 to A15 and A6. He would submit that the petitioners are alleged to be members of unlawful assembly and they are innocent and they have been falsely implicated in this case. He would submit that on 31.08.2020, the first petitioner's son one Ashok Kumar died in a suspicious circumstances and some cut injuries were found in the body and there was a strong suspicion that the brother of the defacto complainant's husband would have committed the murder. Hence, as a preventive measure, the main accused were arrested on 06.09.2020. He would further submit that the injured has been discharged from the hospital and the main accused were arrested and they were granted bail by this Court in CrI.O.P.No.14792 of 2020 dated 22.09.2020. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would vehemently oppose the petition stating that the first petitioner's son one Ashok Kumar died in a suspicion manner and the petitioners suspected that the brother of the defacto complainant's husband would have committed the murder. Hence, they formed unlawful assembly and assaulted the defacto complainant's brother-in-law namely Kanniyappan and also caused damages to the house hold articles. He would further submit that though the victim has been discharged from the hospital, tension prevails in the village.

5. Taking into consideration the facts and submissions made by the learned Counsels and that the main accused have been granted bail by this Court, 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 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 Judicial Magistrate-II, Tindivanam, 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 Chennai and report before the Valasaravakkam Police, everyday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

06/10/2020

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-II,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAILAM POLICE STATION,
TINDIVANAM TALUK,
VILLUPURAM DISTRICT.

5 THE OFFICER INCHARGE,
VALASARAVAKKAM POLICE,
CHENNAI.

CC to M/S. B.AJAY KUMARAN Advocate on payment of necessary
charges

CRL OP.15713/2020

Date :06/10/2020

TA-13/10/2020



WEB COPY