

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15768 of 2020

1. Karthikannan
S/o. Mayavan

2. Mayavan
S/o. Nagaraj

3. Perumayi
W/o. Mayavan

... Petitioners

Vs.

The State represented by
The Sub-Inspector of police,
Namagiri Pettai Police Station,
Namakkal District.

Crime No.759 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in Crime
No.759 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.S.Prabu
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 offences publishable under Sections 294 (b), 323, 354, 324, 379 (NP) of IPC in Crime No.759 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute between the petitioners and the defacto complainant, on 09.08.2020, when the defacto complainant along with his son and wife was going in a two wheeler, the first petitioner waylaid the defacto complainant and also stabbed him and the second petitioner had attacked him with a wooden log and the second and third petitioners have taken away 5 sovereigns of gold chain. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are known to each other. Due to previous enmity, a false case has been given by the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant with wooden log on chest and snatched 5 sovereigns of gold chain. He would further submit that injured has been discharged from the hospital and there are no previous cases as against the petitioners. However, he opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel and also the fact that 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 their arrest or on their appearance, within a period of fifteen 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, Rasipuram 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 first and second petitioners shall report before the respondent police every day at 10.30 a.m., until further orders and the third petitioner 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.

[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 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 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.

06.10.2020

dh

Internet: Yes/No

Index: Yes/No

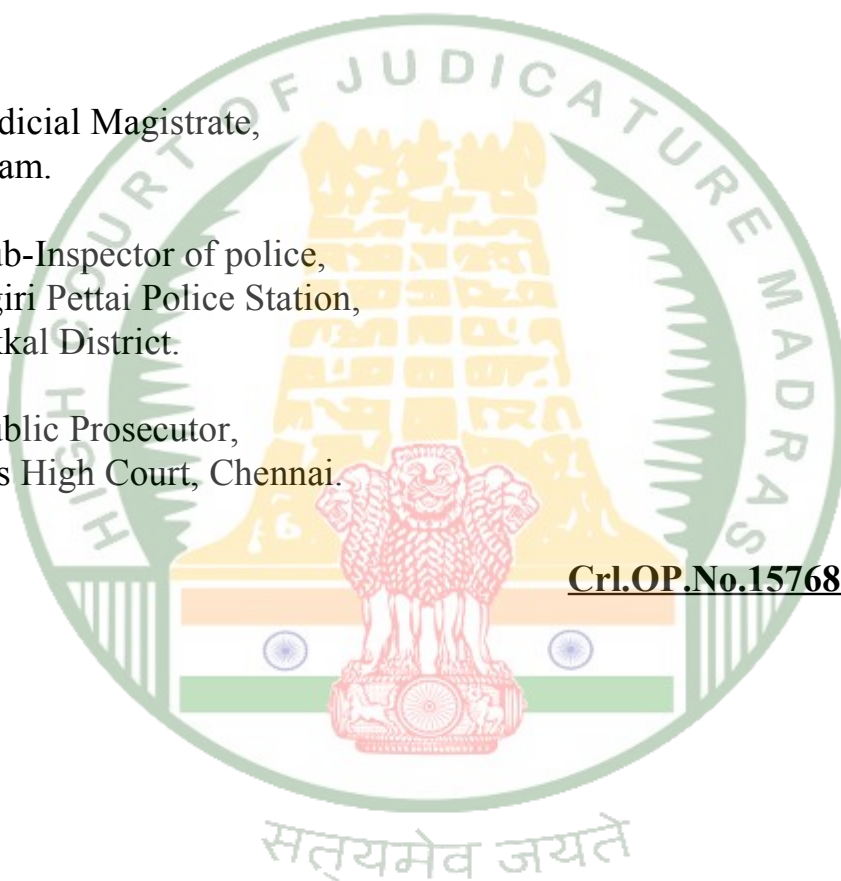
Speaking Order/Non Speaking Order

A.D.JAGADISH CHANDIRA, J

dh

To

1. The Judicial Magistrate,
Raipuram.
2. The Sub-Inspector of police,
Namagiri Pettai Police Station,
Namakkal District.
3. The Public Prosecutor,
Madras High Court, Chennai.



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