

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

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THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No. 15788 of 2020

1.Singaravel

S/o.Kanagasundaram

2.Vignesh

S/o.Singaravel

3.T.Suresh

S/o.Tamilselvan

... Petitioners/Accused Nos.1 to 3

Vs.

The State represented by,

The Inspector of Police,

Voimedu Police Station, Voimedu,

Vedaranyam Taluk,

Nagapattinam District.

[Crime No. 908 of 2020]

... Respondent/Complainant

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

For Petitioners : Mr.R.Muruga Bharathi

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 294(b), 324, 506(2) of IPC, in Crime No. 908 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Sivakumar, is that on 28.09.2020, at about 10.00 a.m., due to the wordy quarrel, the first accused had attacked the defacto complainant with an Aruval and the second and third petitioners threatened the defacto complainant in filthy language. Thereby, the defacto complainant has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that there is a case in counter in Crime No.909 of 2020 and that a false case has been foisted 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 the injured has been discharged from the hospital. He would further submit that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5 Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, 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 order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District, 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 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

07.10.2020

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To

1.The District Munsif cum Judicial Magistrate,
Vedaranyam, Nagapattinam District.

2.The Inspector of Police,
Voimedu Police Station, Voimedu,
Vedaranyam Taluk,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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