

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15998 of 2020

1.Sekar
2.Sundhar @ Arun Sundar

... Petitioners

Vs.

The State,
Rep.by Inspector of Police,
Vadapaathimangalam Police Station,
Thiruvarur-614014.TN.
Crime No.527/2020. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in connection with in Crime No.527 of 2020 dated 29.09.2020 on the file of the respondent.

For Petitioners : Mr.S.Nirmal Aditya

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 **under Sections 294(b), 324, 506(2) of IPC, in Crime No.527 of 2020** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant viz. Narayanasamy is that there was a wordy quarrel due to grazing of cattle. The goat belonged to the accused entered into the house of the defacto complainant, due to which, wordy quarrel arose between them and thereby the accused have attacked the defacto complainant with wooden log on his face, causing injuries. The defacto complainant also lost his teeth due to the attack.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel, due to grazing of cattle. The goat belonged to the accused entered into the house of the defacto complainant, thereby, wordy quarrel arose between them and the accused attacked him with wooden log on his face, due to which, he sustained injuries and also he had lost his teeth. He would further submit that there is no previous cases against him. He would further submit that the injured has been discharged.

5. Taking into consideration of the facts and circumstances of the case and also the submissions made by the learned counsels and considering 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:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate No.II, Mannargudi**. on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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 daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

13/10/2020

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,
NO.II, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAPATHIMANGALAM POLICE STATION,
THIRUVARUR-614014.

CC to M/S.S.NIRMAL ADITYA Advocate on payment of necessary charges

CRL OP.15998/2020

सत्यमेव जयते Date :13/10/2020

TA-22/10/2020

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