

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15937 of 2020

1. Vimalkumar
2. Vijayakumar @ Vinodhkumar

... Petitioners

Vs.

The State rep. by
Inspector of Police,
Thirumakottai Police Station
Thiruvarur Dist.
(Crime No.693 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 their
arrest in Crime No.693 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(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),
307 & 506(ii) IPC read with Section 3 (a) of the Explosive Substances
Act, 1908 in Crime No.693 of 2020 on the file of the respondent
police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant
Elammal is that the petitioners are grandsons of the defacto
complainant and due to a dispute regarding property, son of defacto
complainant viz., Packirisamy along with his wife and sons assaulted
her and also hurled country made bomb on her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that
the petitioners are innocent persons and they have been falsely
implicated in this case due to a family dispute. He would submit that
the petitioners are none other than the grandsons of defacto
complainant and that the case has been registered based on the
direction from the Court. He has further submitted that even the
alleged explosive is nothing but a cracker. Hence, he prays for grant
of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners, who are the grandsons of the defacto complainant, due to family dispute, assaulted her and also hurled explosive country made bomb on her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered 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, before the learned Judicial Magistrate No.2, Mannargudi, on condition that 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 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., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/10/2020

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 INSPECTOR OF POLICE,
THIRUMAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. N.PALANIVEL Advocate on payment of necessary charges
Sr.6731

CRL OP.15937/2020

Date :08/10/2020

RVR 21/10/2020

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