

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.16220 of 2020

1. Kalidoss
2. Alagappan
3. Sharmila

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Koothanallur Police Statio,
Thiruvarur - 614014 TN
(Crime No.1524 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1524 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.S. Nirmal Aditya

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

ORDER

(This case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b) 324, 336, 427 and 506(ii) of IPC in Crime No.1524 of 2020, on the file of the respondent police, seeks anticipatory bail.

1. The case of the prosecution as per the defacto complainant one Sundari, is that there was a property dispute between the defacto complainant and the petitioners. On 14.09.2020, the defacto complainant's dog barked against the petitioners, for which the petitioners assaulted the defacto complainant and their family members with wooden logs and thereby they sustained injuries. The petitioners also broken the windows in the defacto complainant's house and the damages amounts to Rs.5,000/-. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have assaulted the defacto complainant and their family members with wooden logs. He would further submit that based on the information given by one Naveen Kumar, the respondent police also registered a case in crime No.1528 of 2020 U/s 147, 148, 294(b), 324 and 506(ii) of IPC. He would further submit that the injured discharged from the hospital and apart from these two cases, there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also taking note of the fact that the injured persons have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Mannargudi, on condition that the petitioner shall execute a 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., 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

8. 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 COURT-II,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOOTHANUR POLICE STATION,
THIRUVARUR-614 014.

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

CRL OP.16220/2020

Date :13/10/2020

MK:22/10/2020