

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16590 of 2020

1.Jothi ... Petitioners

2.Anjala

3.Govindharaj

4.Babu

5.Neela @ Neelavathi

6.Kaveri

7.Ragpathi

8.Thamodharan

9.Settu

Vs.

The State represented by, ... Respondent

The Inspector of Police,

Paradarami Police Station,

Vellore District.

(Crime No. 527 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of being arrested in Crime No.527 of 2020, pending investigation on the file of the respondent police.

For Petitioners

: Mr. G. Vinodh Kumar

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 punishable under Sections 147, 148, 294(b), 323, 324 of IPC r/w Section 3 of TN PP (D & L)

Act, in Crime No.527 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant viz., Babu is that the son of A2 married defacto complainant's daughter without his knowledge and when the compromise talks were going on the petitioners attacked the defacto complainant with wooden logs and also damaged 5 two wheelers of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners also lodged a complaint in Crime No. 526 of 2020. As a counter blast the present complaint has been lodged by the petitioners. However, he would further submit that without prejudice to his contentions, the petitioners are ready to deposit an amount of Rs.10,000/- each to the credit of Crime number to show their bonafides. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional public prosecutor appearing for the respondent would submit that the petitioners have assaulted the defacto complainant and also caused damages to five two wheelers belonging to the defacto complainant. He would further submit that there is no previous case pending against the petitioners. However he would oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees ten Thousand Only) each to the credit of crime No.527 of 2020 within a period of fifteen days from the date on which the copy of the order is made ready. On such deposit, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, before the learned Judicial Magistrate, Gudiyatham, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 deposit a sum of Rs.10,000/- each to the credit of Crime No.527 of 2020 before the learned Magistrate and the amounts shall be disbursed subject to the outcome of trial.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/10/2020

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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PARADARAMI POLICE STATION,
VELLORE DISTRICT.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.16590/2020

Date :16/10/2020