

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16902 of 2020

1. Vijay
2. Vellaiyammal
3. Nathiya
4. Elango

... Petitioners/Accused Nos.1 to 4

Vs.

State By
The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.
Crime No.984 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail, in the event in Crime No.984 of 2020 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.Charles Prem Kumar
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 alleged offences punishable under Sections 294(b), 323 & 506(i) of IPC in Crime No.984 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are neighbours of the de-facto complainant, namely Mumthaj. They have enmity for some time. On the date of occurrence there was a dispute between both the groups. Injured persons were admitted in the hospital and Police have recorded the statement at the hospital and registered a case in Crime No.984 of 2020 against the petitioners herein. The counter case in Crime No.985 of 2020 as against the Venkatesh, Ashokan, Mumthaj Mustari Banu who is the de-facto complainant in this case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor submits that it is a case in counter and the investigation is almost completed.

5. Taking note of the above facts, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days, before the learned Judicial Magistrate - I, Namakkal, on condition that each petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each, for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioners shall report before the respondent police daily at 10.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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.

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

-sd/-
22/10/2020

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.7051

सत्यमेव जयते

CRL OP.16902/2020

Date :22/10/2020

cs 28/10/2020

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