

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16903 of 2020

1. Annappan
2. Akash
3. Muniyammal
4. Jayaprakash @ Kullan
5. Varathan

... Petitioners/Accused (A1 to A5)

Vs.

State By
The Sub-Inspector of Police,
Perungar Police Station,
Kancheepuram District.
Crime No.701 of 2020

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail, in the event of their arrest in Crime No.701 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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 147, 294(b), 324, 341 and 506(i) of IPC in Crime No.701 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as per the First Information Report on 18.10.2020, the petitioners restrained the de-facto complainant and attacked with hands and wooden logs and threatened with dire consequence. The De-facto complainant had given a complaint at 8.30 p.m., on the same day. The police after registering the CSR, and on enquiry, registered a case in Crime No.701 of 2020.

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 appearing for the respondent would submit that the injured de-facto complainant was treated as outpatient and if the petitioners co-operate with the investigation, there may not be any need to arrest them.

5. Taking note of the fact, 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 their appearance, within a period of fifteen days, before the learned Judicial Magistrate, Uthiramerur, on condition that the 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 the respondent police, daily at 10.30 a.m. for a period of fifteen days 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.

6.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,
UTHIRAMERUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
PERUNAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.7117

CRL OP.16903/2020

Date :22/10/2020

MK:02/11/2020

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