

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.16936 of 2020

1. Selvam
S/o.Saminathan
2. Prathap
3. Selvam
S/o.Poondiyar
4.Sathyamoorthi
5. Dinesh
6. Elumalai

.... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Arumbakkam Police Station,
Thiruvallur District
(Cr.No.1425 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.1425 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.S. Sasi Kumar

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

ORDER

(This 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), 324, & 506(ii) of IPC, in Crime No.1425 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per defacto complainant is that there was a wordy quarrel between the petitioners and the defacto complainant. Due to which the petitioners assaulted the defacto complainant with wooden logs. 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. He would further submit that the first, fourth and fifth petitioners are arrested and enlarged on bail and that he is not pressing the petition with regard to the first, fourth and fifth petitioners. Hence, he prays for grant of anticipatory bail to the second, third and sixth petitioners.

4. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioners have assaulted the defacto complainant with wooden logs and caused injuries to him. He would further submit that the injured has been discharged from the hospital and there is no previous cases against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the injured has been discharged from the hospital and the fact that the first, fourth and fifth petitioners have already arrested and granted bail, this petition is dismissed as infructuous with regard to first, fourth and fifth petitioners. Insofar as second, third and sixth petitioners are concerned this Court is inclined to grant Anticipatory bail subject to the following conditions;

6. Accordingly, the second, third and sixth petitioners are ordered to be released on bail in the event of arrest or on their 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, Gummidipoondi, on condition that the second, third and sixth 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:

[a] the second, third and sixth 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 second, third and sixth petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the second, third and sixth petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the second, third and sixth petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second, third and sixth 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].

[f] 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/-
28/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. S.SASIKUMAR Advocate on payment of necessary charges
SR.No.7087

CRL OP.16936/2020

Date :28/10/2020

cs 03/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>