

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17632 of 2020

1.Thandapani
2.Subramanian

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Thalayamangalam police Station,
Thiruvarur-614014.TN
Crime No.566 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest in Crime No.566 of 2020 on the file of the Respondent police, pending investigation on such terms and conditions as this Court.

For Petitioners: Mr.S.Nirmal Aditya

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 offences punishable under Sections 294 (b), 324 and 506(2) of IPC in Crime No.566 of 2020 on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Ravishankar is that he had borrowed the bike bearing Registration No. Tamil Nadu 49 CZ 1113 Baja CD 100 from the first accused on 06.07.2020 and while he was driving the bike on the same day, the authorities of the bajaj finance had ceased the bike due to non-payment of the due amount via EMI. Thereafter, the petitioners asking the defacto complainant to return the bike, have abused and attacked the defacto complainant, due to which, he has sustained injuries. Hence, the complaint.

3 The learned counsel for the petitioners would submit that this is the second anticipatory bail petition the earlier petition was dismissed by this Court by an order dated 16.10.2020 in

Cr1.O.P.No.16536 of 2020 on the ground that the injured was under treatment as an inpatient. He would submit that the injured has been discharged now. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor submitted that the earlier petition was dismissed since the injured was under treatment in Tanjore Medical College Hospital. He further submitted that there is no previous case pending against the petitioners. He further submitted that the injured has been discharged from the hospital now. However, he opposed for grant of anticipatory bail to the petitioners.

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

[a] Accordingly, the 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 learned Judicial Magistrate No.-II, Mannargudi, on condition that the petitioners 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:

[b] 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 everyday 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 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/-

10/11/2020

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.II, MANNARGUDI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALAYAMANGALAM POLICE STATION,
THIRUVARUR 614 014.

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

CRL OP.17632/2020

Date :10/11/2020

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CS-MN-02/12/2020