

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17780 of 2020

1.S.Pichandi
2.Tamilarasi
3.Shantha

... Petitioners

Vs.

State by Inspector of Police
Peranamallur Police Station
Peranamallur
Thiruvannamalai District

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.2081 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Sivamani

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 offence punishable under **Sections 294(b), 341, 324 and 506(i) of IPC** in Crime No.2081 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mahindiran is that there was a previous enmity between the petitioners and the defacto complainant. While, so, on 03.10.2020, the petitioners abused and attacked him with wooden log and also stamped on his stomach. Initially, the case was registered in C.S.R. No.281 of 2020 and thereafter, the case was registered in Crime No.2081 of 2020.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have abused and attacked the defacto complainant with wooden log due to which, he sustained injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner and that there is a case in counter in Crime No.2080 of 2020. However, he would vehemently oppose for the grant of anticipatory bail.

5. Taking into consideration the facts and submissions of the learned counsels and the fact that the victim has been discharged from the hospital and there is no previous case against the petitioner and that there is a counter case, this Court inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. 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 from the date on which the order copy is made ready, before the **learned Judicial Magistrate-I, Cheyyar**, on condition that the 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 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/11/2020

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-I,
CHEYYAR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
PERANAMALLUR, THIRUVANNAMALAI DISTRICT.

+1 CC to P.SIVAMANI Advocate on payment of necessary charges
SR.No 7888

CRL OP.17780/2020

Date :18/11/2020

MN-03/12/2020

WEB COPY