

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17135 of 2020

1.N.Arunkumar
2.N.Saraswathi

... Petitioners

Vs.

State rep.by ... Respondent/Complainant
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur.
[Crime No.1503 of 2020]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.1503 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

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 offence punishable under Sections 294(b), 323, 324, 307 IPC in Crime No.1503 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Mahendran is that there was a civil dispute between the defacto complainant and the accused. While so, on 18.10.2020, the accused abused him with filthy language and assaulted him with machete and iron rod, due to which, he sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the first accused in this case is the father of the first petitioner and the husband of the second petitioner. He would further submit that there

was a previous enmity between the families and on account of civil dispute, a false complaint has been given. He would further submit that the petitioners have no criminal antecedents and that the victim has also been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to civil dispute, the petitioners along with A1/father of the first petitioner and the husband of the second petitioner, assaulted the defacto complainant, due to which, he sustained injuries. He would further submit that the victim has been discharged from the hospital and A1/Nagamanikkam is still in custody. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. 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.2, Udumalpet** 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 Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall stay at Udumalpet and report before the Udumalpet Police Station every day at 10.30 a.m. until further orders. The petitioners shall not enter into the jurisdictional limit of the respondent police, 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 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]**.

[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/-
03/11/2020

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.2,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
GUDIMANGALAM POLICE STATION,
TIRUPPUR.

5 THE OFFICER INCHARGE,
UDUMALPET POLICE STATION,
UDUMALPET.

+1 CC to M/S.K.MYILSAMY Advocate on payment of necessary charges SR.NO.7298

CRL OP.17135/2020

Date : 03/11/2020

TA-09/11/2020