

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19976 of 2020

1. Dhamu @ Dhamodharan

2. Vicky @ Vignesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Peerankarai Police Station,
Chennai.

Crime No.884 of 2020

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, in the event of their arrest in Crime No.884 of 2020, on the file of the respondent police.

For Petitioners : Mrs.S.Sivaranjani

For Respondent : Mr. M. Mohamed Riyaz,
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 under Sections 341,294(b), 324 and 506 (ii) of IPC in Crime No.884 of 2020 on the file of the respondent police, seek anticipatory bail.

2. This is the second anticipatory bail petition. The learned counsel for the petitioner would submit that the petitioner was earlier granted bail by this Court on 26.06.2020 in Cr1.O.P.No.9466 of 2020. Since the Courts were closed due to COVID-19, the petitioner was unable to surrender and execute the sureties. Therefore, the earlier order got lapsed.

3. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant during which the petitioners attacked the defacto complainant and he sustained simple injuries. Hence the complaint.

4. The learned counsel for the petitioners would submit that the case has been falsely foisted against the petitioners and they not even present in the scene of occurrence. The learned counsel for the petitioner would further submit that the petitioners have already been filed an anticipatory petition before this Court and the same was also ordered in CrI.OP.No.9466 of 2020 dated 26.06.2020 on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties. Due to pandemic, the petitioner could not execute a bond with sureties within the time limit fixed by this Court and also the petitioners were unable to surrender before the Court. Therefore, he prays to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant during the wordy quarrel between them and caused simple injury and there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case. this Court is inclined to grant anticipatory bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tambaram, on condition that each of 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 said Magistrate, on further conditions 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] the petitioners shall deposit a sum of Rs.2,000/- (Rupees Two thousand only) each, to the Legal Services Authority, High Court, Chennai, within a period of two weeks from the date on which the order copy made ready.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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]**; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

With the above directions, this criminal original petition is ordered.

-sd/-
22/12/2020

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, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEERKANKARANAI POLICE STATION, CHENNAI.

5 THE SECRETARY,
THE LEGAL SERVICE AUTHORITY, HIGH COURT, CHENNAI

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

CRL OP.19976/2020

Date :22/12/2020

GKS:30/12/2020