

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.17919 of 2020

1. Manokaran
2. Shankar
3. Prabakaran

... Petitioners

Vs.

The State: Represented by,
The Inspector of Police,
Gengavalli Police Station,
Salem District.

(Cr.No.503 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.503 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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 294(b), 323, 324, 506(ii) of IPC altered into U/s.294, 323 & 307 of IPC, in Crime No.503 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Kumar is that the first petitioner, he has having an illicit affair with the wife of the defacto complainant. On 20.10.2020 at about 02.00 hrs when the defacto complainant was sleeping in his house, at that time, the accused had broke open the door and assaulted the defacto complainant and thereafter they have escaped from the scene of occurrence. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Since the defacto complainant suspected that the 1st petitioner having affair with his wife, a false case has been foisted. He would further submit that there is no previous case is pending as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner was having an illicit affair with the wife of the defacto complainant. On 20.10.2020 at about 02.00 hrs when the defacto complainant was sleeping in his house, at that time, the accused had broke open the door and assaulted the defacto complainant and thereafter they have escaped from the scene of occurrence. He would further submit that there is no previous case is pending as 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 there is no previous case pending as against the petitioners, 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 Judicial Magistrate No.II, Attur, 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, 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 stay at Chennai and report before the Inspector of Police, North Beach Police Station, daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
14/12/2020

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 NO.II,
ATTUR, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
GENGAVALI POLICE STATION,
SALEM DISTRICT.

5 THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION,
CHENNAI.

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

CRL OP.17919/2020

Date :14/12/2020

MK:17/12/2020

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