

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19533 of 2020

1. B.Manoharan
2. B.Ravichandran
3. B.Kumar
4. R.Naveen
5. R.Praveen
6. Fakrudeen

... Petitioners

Vs.

The State rep. By its
The Inspector of Police
Shevapet police Station,
Salem Citry
(Crime No.888 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners in the event of arrest in Crime No.888 of 2020 on the file of the respondent police.

For Petitioners: Mr.E.C.Ramesh

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 offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2) IPC in Crime No.888 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the 1st petitioner are neighbouring shop owners and there was some dispute in respect of using common place of their shops. While so, on 25.07.2020 at about 6.30 a.m. there was a wordy quarrel between the petitioners and the defacto complainant during which, the petitioners abused and attacked the defacto complainant with iron rod and broken his teeth. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners were already granted anticipatory bail by this Court vide CrI.O.P.No.13956 of 2020 by order dated 09.09.2020 with a condition to execute sureties before the concerned Magistrate within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier. However, since, the first petitioner was taking treatment for heart problem at Ramachandra Hospital and that the 6th petitioner was affected with Corona, the petitioners were unable to comply with the conditions within the time stipulated by this Court. He would further submit that there is a case in counter in Crime No.887 of 2020 against the defacto complainant and other. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. Further he would submit that the petitioners were already granted anticipatory bail by this Court vide CrI.O.P.No.13956 of 2020 by order dated 09.09.2020. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioner is directed to pay a sum of **Rs.1,000/- (Rupees one thousand only)** to the **District Legal Aid Services Authority, Salem** and on such payment, the petitioners are ordered to be released on bail in the event of their 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-III, Salem**, 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, 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 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/s, a fresh FIR can be registered under Section 229A IPC.

-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-III, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

WEB COPY

4 THE INSPECTOR OF POLICE
SHEVAPET POLICE STATION, SALEM CITY.

5 THE OFFICER INCHARGE ,
DISTRICT LEGAL AID SERVICES AUTHORITY, SALEM

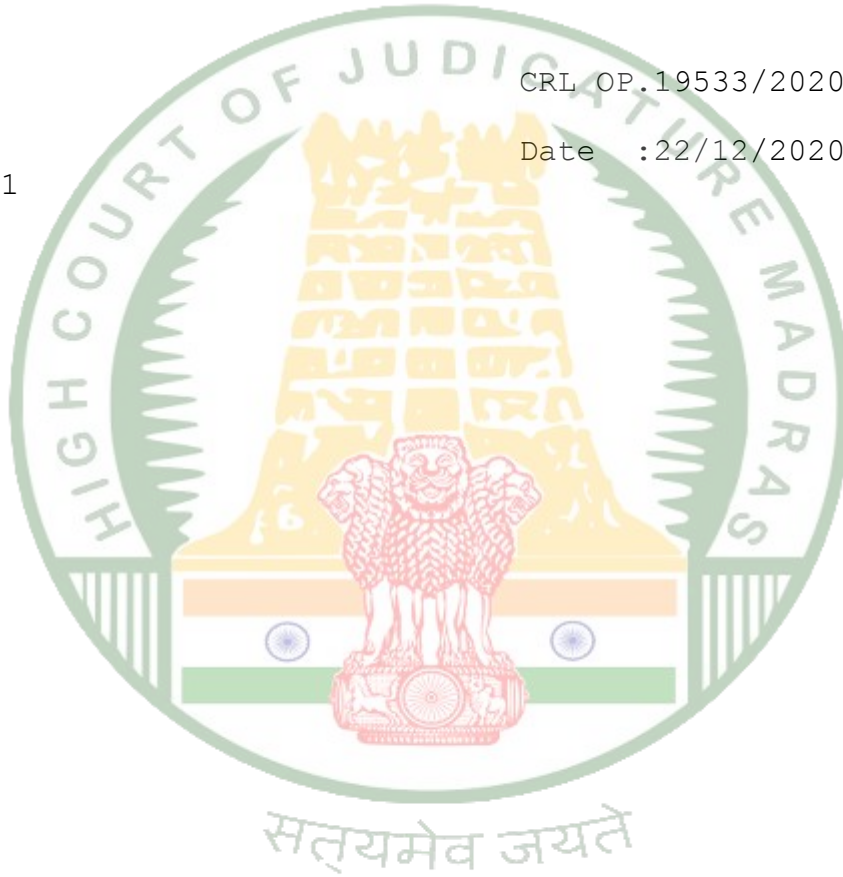
6 THE SECRETARY,
TAMIL NADU LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1 CC to M/S.E.C.RAMESH Advocate on payment of necessary charges
SR.NO.8707

CRL OP.19533/2020

Date :22/12/2020

GKS:05/01/2021



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