

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.18080 of 2020

1. Syed Buhari
2. Noor Mohamed

... Petitioners

Vs.

The State: Represented by,
The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
(Cr.No.1609 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.1609 of 2020 pending on the file of the Inspector of Police, Keevalur Police Station, Nagapattinam District.

For Petitioners : Mr.P.Muthamizhselvakumar

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 147, 148, 294(b), 324, 506(ii) R/w 307 of IPC, in Crime No.1609 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that based on the information from one Santhana krishnan who was in-patient taking treatment in the Thiruvarur Medical College Hospital and the statement of the Santhanakrishnan. On 02.11.2020 at about morning the defacto complainant went to the Anthakudi Market at that time, the petitioners have waylaid the defacto complainant and abused in filthy language and attacked with Aruval and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that as far as these petitioners are concerned. He would further submit that the petitioners are arrayed as A5 and A6 respectively. He would further submit that they have been falsely implicated in this case and due to political animosity since the respondent suspected with the petitioners having relation with the main accused. He would further submit that in respect of A1 to A3, they have got previous cases as far as these petitioners are concerned, they do not have any previous cases. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have intercepted the defacto complainant and abused in filthy language and attacked with Aruval and caused injuries. He would further submit that as far as the first petitioner is concerned, he has got one previous case registered for the offence under Section 324 and 506(i) of IPC in Crime No.79 of 2020 registered by the respondent police and the 2nd petitioner is concerned, he has no previous case pending. 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 one previous case pending as against the 1st petitioner and there is no previous case pending as against the 2nd petitioner, 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 Court No-1, Nagapattinam, 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 report before the respondent Police 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.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KEEVALUR POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.18080/2020

Date :14/12/2020

cs 17/12/2020