



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18126 of 2020

1.Sivaji
2.Thilaga
3.Sivanayagi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Vedaranyam Police Station,
Nagapatinam District.
(Crime No.1206 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail, in the event of their arrest in Crime No.1206 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Prabhu

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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 352 and 506(i) of IPC in Crime No.1206 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a previous enmity a wordy quarrel arose between the petitioners and the defacto complainant, the petitioners abused and attacked the defacto complainant with hands and also threatened him with dire consequences and thereby the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are two previous cases is pending against the first petitioner/A1 and there is no previous case is pending against the second and third petitioners. However, he opposed for grant of anticipatory bail to the petitioners.



5. In view of the previous antecedents of the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Accordingly, the petition is dismissed insofar as the first petitioner/A1 is concerned.

6. Insofar as the second and third petitioners are concerned no criminal case pending against them, this Court is inclined to grant anticipatory bail to the second and third petitioners subject to the following conditions.

7. Accordingly, the petitioners is 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 District Munsif Cum Judicial Magistrate, Vedaranyam, 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 second and third petitioners shall report before the respondent police every day 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, a fresh FIR can be registered under Section 229A IPC.



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

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-sd/-

11/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.18126/2020

Date :11/12/2020

RVR 16/12/2020