

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18519 of 2020

1.E.Gomathi
2.R.Ezhilvelan
3.K.Dhamodharan

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
Sirkazhi Police Station
Nagapattinam District
Cr.No.1390 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1390 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.D.Sugumar

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 294(b), 323, 324, 354 and 506(ii) of IPC, in Crime No.1390 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. On the date of occurrence, due to pathway dispute, there was a wordy quarrel between the petitioners and the de facto complainant, as a result of which, the petitioners are said to have attacked the de facto complainant with wooden log on his head and caused injuries and there is a case in counter. The respondent police have registered FIR based on complaint given by both the sides in Cr.Nos.1390 & 1389 of 2020.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that totally there are three accused in this case and the petitioners are added as A1 to A3. He would further submit that the victim has been discharged from the hospital and there is no previous case pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on 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, Sirkazhi, Nagapattinam, on condition that the petitioners 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

07/12/2020

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,
SIRKAZHI, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges
Sr.7939

CRL OP.18519/2020

Date : 07/12/2020

RVR 09/12/2020

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