

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18456 of 2020

1. ABINESHKUMAR
2. PRASATH
3. VIVEK
4. KAVI
5. NANDHAGOPAL

.... Petitioners

Vs.

State rep. By
The Inspector of Police
Kottur Police Station
Thiruvarur District
(Crime No.1388 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.1388 of 2020 on the file of the respondent police.

For Petitioners : Mr.Swami Subramanian

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, 379(NP) and 506(ii) IPC in Crime No.1388 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalyanasundaram is that on 03.11.2020 at about 10.30 p.m, while he was talking over mobile phone near his house, the accused abused him in filthy language. When it was questioned, they attacked him and thereafter, the defacto complainant left to his house. However, the accused persons chased him to his house and attacked the defacto complainant with Aruval and wooden log.

When it prevented by the brother and mother of the defacto complainant, the accused also attacked them with Aruval and wooden log. Further, during the incident, a sum of Rs.20,000/- belongs to the defacto complainant was found missing. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured have been discharged from the hospital and there is no previous case as against the petitioners. 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 there is no previous case against the petitioners and the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate-II, Mannargudi, Thiruvavur District, on condition that the petitioners 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. 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/-

23/11/2020

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,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.18456/2020

Date :23/11/2020

MK:01/12/2020