

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No. 18812 of 2020

1.G.Sivakumar
2.R.Jayashankar

... Petitioners/Accused 1 & 2

Vs.

The State represented by,
The Inspector of Police,
T-1, Ambattur Police Station,
Chennai.
[Crime No. 1594 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 1594 of 2020, on the file of the respondent police.

For Petitioners: Mr.G.Ashok Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 and 506(2) of I.P.C., in Crime No.1594 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz.,Sanjay is that the petitioners along with other accused persons had come to his house and enquired about his owner viz., Suresh and picked up wordy quarrel. At that time, the accused persons had abused him in filthy language, assaulted him with bare hands and also threatened him in dire consequences. Hence, the defacto complainant sustained injuries. Hence, the complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would submit that the defacto complainant and another person had stolen the cattles of the

petitioners and regarding the same, a case was registered in Crime No. 1592 of 2020 and to escape from the same, they have foisted a false case against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel taken place between the petitioners and the defacto complainant and at that time, the petitioners have abused and assaulted the defacto complainant and thereby, the defacto complainant sustained injuries. He would further submit that the injured has been discharged from the hospital and that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.Accordingly, the petitioners are directed to be released on bail in the event of their 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, Ambattur, on condition that each 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. सत्यमेव जयते

[b] the 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.

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

-sd/-

01/12/2020

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-1,AMBATTUR POLICE STATION,
CHENNAI.

CC to M/S.G.ASHOKUMAR Advocate on payment of necessary charges

WEB COPY CRL OP.18812/2020
Date :01/12/2020

MN-09/12/2020