

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18730 of 2020

1.Madhan
2.Gnanavel

...Petitioners

Vs.

The State rep. by
The Inspector of Police,
Paradarami Police Station
Vellore District,
Vellore.
(Crime No.526 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of his arrest in connection with Crime No.526 of 2020, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Kalaiyaran

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 **Section 147, 148, 294(b), 323, 324, 506 (2), 307** of IPC in Crime No.526 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son got love marriage with A1's daughter viz. Meena @ Monika. The petitioners herein are the relatives of A1, assaulted the defacto complainant with knife and stone, due to which, he sustained injuries on his head. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners herein are only the relatives of A1 and they have nothing to do with the said offence.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the son of the defacto complainant viz. Boopalan got love marriage with A1's daughter, enraged by the said act, the petitioners along with other accused had assaulted the defacto complainant with knife and stone, due to which, he sustained injuries on his head. He would further submit that there are totally 11 accused in this case and the petitioners herein are A3 and A7. It is a case in counter and the counter case has been registered in Crime No.527 of 2020. He would further submit that the injured has been discharged from the hospital and there are no previous cases against the petitioners.

5.Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel and also considering the fact that the injured has been discharged and it 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, Gudiyatham, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **each** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiyatham, 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 as and when required for interrogation.

[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/-
30/11/2020

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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PARADARAMI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.18730/2020

Date : 30/11/2020

TA-07/12/2020

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