

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18816 of 2020

1.Subramani
2.Chandru @ Chanduru
3.Vijayalakshmi
4.Santhi

... Petitioners/Accused 1 to 4

Vs.

The State represented by,
The Inspector of Police,
Avalurpet Police Station,
Villupuram District.
[Crime No. 2067 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. 2067 of 2020, on the file of the respondent police.

For Petitioners: Mr.M.Guruprasad

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 offences punishable under Section 294 (b), 323, 324 and 506(ii) of I.P.C., in Crime No.2067 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners/accused have picked up a wordy quarrel with the victim due to property dispute and at that time, the petitioners have abused the victim in filthy language and also assaulted with wooden logs and thereby, the victim has sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are the original owners of the pathway and that the

victim had wantonly cut the trees on the pathway and when the same was questioned by the petitioners, the victim and his family members have assaulted them and thereby, the petitioners have lodged a complaint and the same was registered in Crime No. 2068 of 2020. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to property dispute, the petitioners have abused and the assaulted the victim and thereby, the victim 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, Gingee, 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.

(*) [b] Petitioner 1 and 2 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required. Petitioners 3 and 4 shall appear before the respondent Police as and when required.

[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.

(*)Being mentioned as per order of this court dated 09/12/2020

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALAVURPET POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.No

CRL OP.18816/2020

Date :01/12/2020

MN-07/12/2020

MN-10/12/2020