

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19148 of 2020

1.Rajasekar
2.Stalin
3.Jagadeesan @ Jagadesh
4.Karan
5.Moorthy
6.Suriya
7.Ajithkumar
8.Kirubakaran
9.Sakthivel

.... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.763 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail, in the event of their arrest in
Crime No.763 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Prabakaran

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 apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 341, 294(b), 323, 324 and 506(ii) of IPC altered into 147, 148,
341, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.763 of 2020
on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a previous enmity
a wordy quarrel arose between the petitioners and the defacto
complainant, the petitioners abused and attacked the defacto
complainant with iron rod and also threatened him with dire
consequences and thereby the defacto complainant sustained head
injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners are innocent person and they have not committed any
offence as alleged by the prosecution and a false case has been
foisted against them. Hence, he prays for grant of anticipatory bail
to the petitioners.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending as against the petitioners and also submitted that a counter case has been registered in Crime No.764 of 2020 by the respondent police.. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners is ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate Court No.II, Mettur, on condition that each of the 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] 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/-

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,
NO.II, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
Sr.8000

CRL OP.19148/2020

Date :07/12/2020

RVR 11/12/2020

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