

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.19293 of 2020

1.SANTHOSH @ SANTHOSHRAJ
2.SANKAR

... Petitioners

Vs.

State rep by
Inspector of Police
Kalappal Police Station
Thiruvarur District
Crime No.840 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection in Crime No.840 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.Swamisubramanian

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 Sections 294(b), 324 and 506 (ii) of IPC in Crime No.840 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de facto complainant Naveen Prabhu is that due to previous enmity, on 18.11.2020 at about 10p.m. while the defacto complainant was returning to his residence after completing his work, the petitioners abused him in filthy language and attacked him with wooden log and also threatened him with dire consequences.

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

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that due to previous enmity, the petitioners abused and attacked the defacto complainant with wooden log. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners.

5. Taking into consideration of the facts and submissions of the learned Counsels and also considering the fact that there is no previous case pending against the petitioners and 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 are ordered to be released on bail in the event of 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-I, Mannargudi, Thiruvarur District, 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 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 everyday 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/-

17/12/2020

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.I, MANNARGUDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KALAPAL POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.19293/2020

सत्यमेव जयते Date :17/12/2020

RVR 07/01/2021

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