

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19518 of 2020

1.Rathinasabapathy ... Petitioners
2.Sakthivel
3.Eswarasamy @ Eswaramoorthy
4.Visalatchi

Vs.

The State Represented by, ... Respondent
The Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No.1319 of 2020)

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.1319 of 2020 on the file of the respondent police.

For Petitioners: Mr.N.Ponraj

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

ORDER

(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
294(b), 324, 427 and 506(ii) of IPC in Crime No.1319 of 2020 on the
file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous
enmity with regard to a pathway a wordy quarrel arose between the
petitioners and the defacto complainant, the petitioners abused and
attacked the defacto complainant with hand and stick and also
threatened him with dire consequences and thereby the defacto
complainant sustained 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. 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 are 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, Dharapuram**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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.

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

-sd/-

22/12/2020

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.N.PONRAJ Advocate on payment of necessary
charges SR NO.8617

CRL OP.19518/2020

Date : 22/12/2020

MN-04/01/2021