

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19842 of 2020

1.V.Sundaram
2.Varatharaj
3.M.R.Radha
4.Sundar
5.Saran
6.Raja
7.Ramana
8.Vallavan
9.Packiyaraj
10.Veerappan
11.Vinothkumar
12.Arunkumar

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Viruthachalam Police Station
Cuddalore District
Crime No.2210 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.2210 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.P.Muthamizh Selvakumar

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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294 (b), 323, 379, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition Harassment of Women Act, in Crime No.2210 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Tamilselvi is that due to election motive between the de-facto complainant's husband Ramesh and A2 Balaji, the de-facto complainant's husband assaulted A2. As a retaliation, on 26.11.2020, all the accused joined together and assaulted the de-facto complainant's husband and also took away 10 goats and one two wheeler.

3. The learned Additional Public Prosecutor would submit that due to election motive, all the accused joined together and assaulted the de-facto complainant's husband and also taken away 10 goats and one two wheeler. He would further submit that no recovery has been done so far and there are two previous cases against the petitioners.

4. At this juncture, the learned counsel for the petitioners would submit that a false case has been foisted due to election rivalry. He would further submit that two wheeler has been handed over to the respondent police and two cases were also registered due to election rivalry.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Viruthachalam, Cuddalore District, on condition that the petitioners shall execute a separate 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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 NO.I,
VIRUTHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VIRUTHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

CC to P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges

CRL OP.19842/2020

Date :22/12/2020

MK:06/01/2021