

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.20156 of 2020

1. Lakshmanan
2. Muthusamy

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Arachalur Police Station,
Erode District.
Cr. No.768 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.768 of 2020 on the file of the respondent Police.

For Petitioner : Mr.P.S.Kothandaram

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 punishable under Sections
294(b), 324 and 506(ii) of IPC in Crime No.768 of 2020, on the file
of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that due to wordy quarrel,
the petitioners abused the defacto complainant in filthy language and
attacked him. Therefore, the defacto complainant sustained injuries.
Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit
that the petitioners are innocent persons and a false case has been
foisted against the petitioners. Hence, he prayed 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 petitioner and
also submitted that a counter case has been registered 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 victim has sustained only simple injuries and the victim has been discharged from the hospital and also there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate-II, Erode, on condition that the petitioners 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30a.m., for a period of two weeks and thereafter, report before the respondent police every Monday 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.

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 -II,
ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ARACHALUR POLICE STATION,
ERODE DIST.

+1 CC to M/S P.S.KOTHANDARAM Advocate on payment of necessary charges SR.NO.8600

CRL OP.20156/2020

Date :22/12/2020

GKS:04/01/2021

सत्यमेव जयते

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