

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20894 of 2020

1.Mathiazhagan
2.Ilayaraja
3.Vijayakumar

.. Petitioners/AA 1,2 & 3

Vs.

State represented by
The Station House Officer,
Kumarachi Police Station,
Kumarachi,
Coimbatore District.
(Crime No.728 of 2020)

.. Respondent/Complainant

Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.728 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.G.Senthilkumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

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 294(b), 324, 323, 427 and 448 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.728 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners submitted that there was a dispute between the petitioners on one side and the de facto complainant on the other side in the matter of planting bamboo saplings. He further submitted that a civil dispute is pending between the parties with regard to a land. It is his further submission that there is a counter case filed against the de facto complainant in Crime No.727 of 2020 for the offences under sections 294(b), 324, 336 and 506(I) IPC.

4.The learned Government Advocate (Criminal Side) submitted that the injured have been discharged from the hospital and also the investigation is almost completed.

5. Considering the facts and circumstances of the case and also the fact that the injured had been discharged from the hospital and the investigation has almost been completed, this Court is inclined to grant anticipatory bail to the petitioners.

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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Chidambaram, on condition that the petitioners shall execute a 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 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Cr.No.728 of 2020 before the Judicial Magistrate No.II, Chidambaram, within a period of two weeks from the date on which the order copy made ready.

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

[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.

-sd/-
30/12/2020

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,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
KUMARACHI POLICE STATION,
KUMARACHI,
CUDDALORE DISTRICT.

CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.20894/2020

Date :30/12/2020

MK:11/01/2021

WEB COPY