

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.20912 of 2020

1.M.Vetriselvam
2.V.Suresh

.. Petitioners

Vs.

The State rep. by
The Inspector of Police,
Dusi, Police Station,
Tiruvannamalai District.
Cr.No.2464 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.2464 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Sabarish

For Respondent : Mr.M.Mohamed Muzammil
Government Advocate (Cr1.Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 323, 341, 294(b) and 506(i) of IPC in Crime No.2464 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that there is a land dispute between the de-facto complainant and the petitioners and in that dispute, this criminal case in Crime No.2494 of 2020 came to be registered. He would further submit that the petitioners are ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime No.2494 of 2020.

4.The learned Government Advocate (Criminal Side) submitted that there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners attacked the defacto complainant and caused injuries to him, the injured has 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 has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners is 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, Cheyyar, 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 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] each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Cr.No.2464 of 2020 before the Judicial Magistrate, Cheyyar, towards the damage caused in the incident, within a period of two weeks from the date on which the order copy is made ready. The deposit of amount will not be taken as the petitioners admitted their offence. Appropriate order shall be passed by the learned Trial Judge at the time of final disposal of the case with regard to disbursal of this amount.

[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,
CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DUSI, POLICE STATION,
TIRUVANNAMALAI DISTRICT

CC to M/S R.RAJASEKAR Advocate on payment of necessary charges
Sr.8742

CRL OP.20912/2020

सत्यमेव जयते Date : 30/12/2020

RVR 07/01/2021

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