

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.364 of 2021

1. Ramanathan
2. Vishvanathan
3. Sasikumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
(Crime No.1308 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1308 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.S.P.Harikrishnan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are four accused and the petitioners were arrayed as A2 to A4. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 324, 307 and 506(ii) of I.P.C. in Crime No.1308 of 2020 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that there is a previous enmity between A1 and defacto complainant, due to the same, on the date of occurrence, the petitioners have waylaid the defacto complainant and A1 attacked him with aruval and wooden log, as a result of which, the defacto complainant sustained injuries. Hence, the present complaint has been filed against the petitioners.

3. The learned Counsel for the petitioners would submit that the motivation is only against A1 and even as per the F.I.R., A1 attacked the defacto complainant with deadly weapon in hand. He would further submit that the injured was discharged from the hospital. He would also submit that A1 was arrested and already released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, all the petitioners have waylaid the defacto complainant and attacked him, thereby caused injury to him. He would also submit that the injured was also discharged from the hospital and A1 was arrested and he was also released on bail. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the fact that due to previous enmity between A1 and the defacto complainant, the petitioners said to have attacked him with wooden log, however, the main allegation was only against A1, also considering the fact that A1 was arrested and released on bail, and the injured was also discharged from the hospital, 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 District Munsif cum Judicial Magistrate, Tharangambadi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear before the respondent police daily at 10.30 a.m. for the period of two weeks ;

[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.

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

-sd/-
18/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THARANGAMBADI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY ITS INSPECTOR OF
POLICE,, SEMBANARKOIL POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S S.P.HARIKRISHNAN Advocate on payment of necessary charges

WEB COPY

CRL OP.364/2021

Date :18/01/2021

RVR 03/02/2021