

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2485 of 2021

1.Veeraraghavan
2.Vijayakumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Nedungadu Police Station
Karaikal District
Puducherry Union
Crime No.140 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.140 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. K.Govi Ganesan

For Respondent : Mr.Balamurugane
Public Prosecutor, Puducherry

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend at the hands of the respondent police for the offences punishable under Sections 341, 323, 324 and 506(ii) of IPC read with Section 34 IPC, in Crime No.140 of 2020, seek anticipatory bail.

2. There are totally three accused in this case and the petitioners are A1 and A2. The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the accused and the de-facto complainant, as a result of which, the petitioners and another accused attacked the de-facto complainant with bamboo stick and thereby, caused injuries to him and also criminally intimidated him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the occurrence took place in wordy quarrel and the injured has been discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Public Prosecutor, Puducherry would submit that in a wordy quarrel, the petitioners attacked the de-facto complainant and criminally intimidated him. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the occurrence took place in a wordy quarrel between the parties and also the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Karaikal, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police as and when required for interrogation.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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.

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

-sd/-

12/02/2021

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 JUDICIAL MAGISTRATE,
NO.II, KARAİKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 THE STATION HOUSE OFFICER,
NEDUNGADU POLICE STATION,
NEDUNGADU, KARAİKAL DISTRICT,
PUDUCHERRY UNION,

CC to K.GОВI GANESAN Advocate on payment of necessary charges
SR.1575

CRL OP.2485/2021

सत्यमेव जयते Date :12/02/2021

RVR 26/02/2021

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