

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Sixth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.5643 of 2021

1 SENTHIL
2 ANNADURAI
3 PARAMSIVAM
4 PERUMAL
5 THANGAVEL
6 MATHIAZAGAN
7 CHINNAPILLAI
8 RAJENDRAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE STATION HOUSE OFFICER,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.
CRIME NO.1060 OF 2020

[RESPONDENT]

For Petitioner : M/S. V.RAGHAVACHARI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Sections 147, 341, 294B, 323, 324, 336, 506(i) of I.P.C, in Crime No.1060 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 13 accused in this case and the petitioners herein are A6 to A13. The allegation is that the defacto complainant belongs to schedule caste community and on 05.11.2020 when he is going in a two wheeler A1 to A4, who belongs to a backward community, waylaid him and abused him by calling his caste name and also criminally intimidated him and attacked him and caused injuries to him. Hence, the complaint.

3. Earlier this petition was listed before this Court under the caption "for maintainability" thus the FIR was registered for an offence under Schedule caste and Schedule Tribes Act and this Court after going through the relevant papers directed the Registry to number the petition and list the matter today.

4. The learned counsel for the petitioners would submit that sofar as this petitioner is concerned, there is no allegation that he has abused the defacto complainant calling him by his caste, he only waylaid the defacto complainant and the main allegation is only against A1 to A4. Hence he prays for grant of anticipatory bail to the petitioners

5. The learned Additional public prosecutor would submit that the petitioners have way laid the defacto complainant and abused him by calling his caste name and attacked him and caused injuries to him. He would further submit that injured discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

6. I have heard the rival submissions and perused the case diary and on perusal of the case diary and the statements of witness it is seen that only A1 to A4 abused the defacto complainant by calling his caste name and so far as these petitioners are concerned they have only attacked the defacto complainant with wooden log and caused serious injuries to him, apart from that there is no allegation against the petitioner.

7. Considering the above facts of the case and the fact that the injured discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed 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 Judicial Magistrate Perambalur 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
26/03/2021

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.

+1CC to M/S. V.RAGHAVACHARI Advocate on payment of necessary charges SR NO.4095

CRL OP.5643/2021

Date :26/03/2021

MK:15/04/2021