

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19911 of 2020

1. Elumalai
2. Venkatesan
3. Muniyan

... Petitioners

Vs.

State Rep. by
The Sub Inspector of Police,
Vanaburam Police Station,
Tiruvannamalai District.
(Crime No.2847 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.2847 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Krishnamoorthy

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 341, 294(b), 324, 506(ii) and 307 of IPC in Crime No.2847 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that totally there are four accused in this case and the petitioners are ranked as A1, 2 and A4. The allegation is that there was a civil dispute between the petitioners and the defacto complainant, which resulted in a wordy quarrel and the victim is said to have been attacked with aruval by the petitioners and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the said offence. He would further submit that it is a case and counter which was registered in Crime No.2848 of 2020 for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC. Therefore, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that the petitioners attacked the defacto complainant with aruval and he was admitted in the hospital and thereafter has been discharged from the hospital. He would further submit that the prime accused A3 was arrested and released on bail.

5.Considering the fact that the prime accused/A3 was arrested and now released on bail and due to civil dispute, it is a case in counter and also taking note of the fact that the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 II, Thiruvannamalai, on condition that the petitioners shall execute a seperate 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 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 daily at 10.30 a.m for a period of two weeks and thereafter 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.

-sd/-

07/01/2021

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 JUDICIAL MAGISTRATE,
NO.II, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
VANABURAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary charges SR.296

CRL OP.19911/2020

सत्यमेव जयते Date :07/01/2021

RVR 19/01/2021

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