

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.19662 of 2020

1.Sarathi
2.Mano @ Manokaran
3.Rajkumar @ Rajakumaran

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
(Crime No.3267 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 arrest in Crime No.3267 of 2020 on the file of the respondent police station.

For Petitioner : Mr.E.Sathiyaraj

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 294(b), 323, 324, 307 of IPC in Crime No.3267 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 A2 to A4. The defacto complainant is a driver. Due to previous enmity between the defacto complainant and A1, all the accused waylaid the defacto complainant and attacked him with 'Aruval' and caused serious injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that A1 was arrested and released on bail. Therefore, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that all the accused were waylaid the defacto complainant and attacked with 'aruval'. He would further submit that the injured was admitted in the hospital and subsequently has been discharged from the hospital.

5.Considering the fact that A1 was arrested and now released on bail and 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, Cheyyar, Thiruvannamalai District, 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 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 at 10.30 a.m once in a week (i.e. Every monday) until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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,
CHEYYAR, TIRUVANNAMALAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

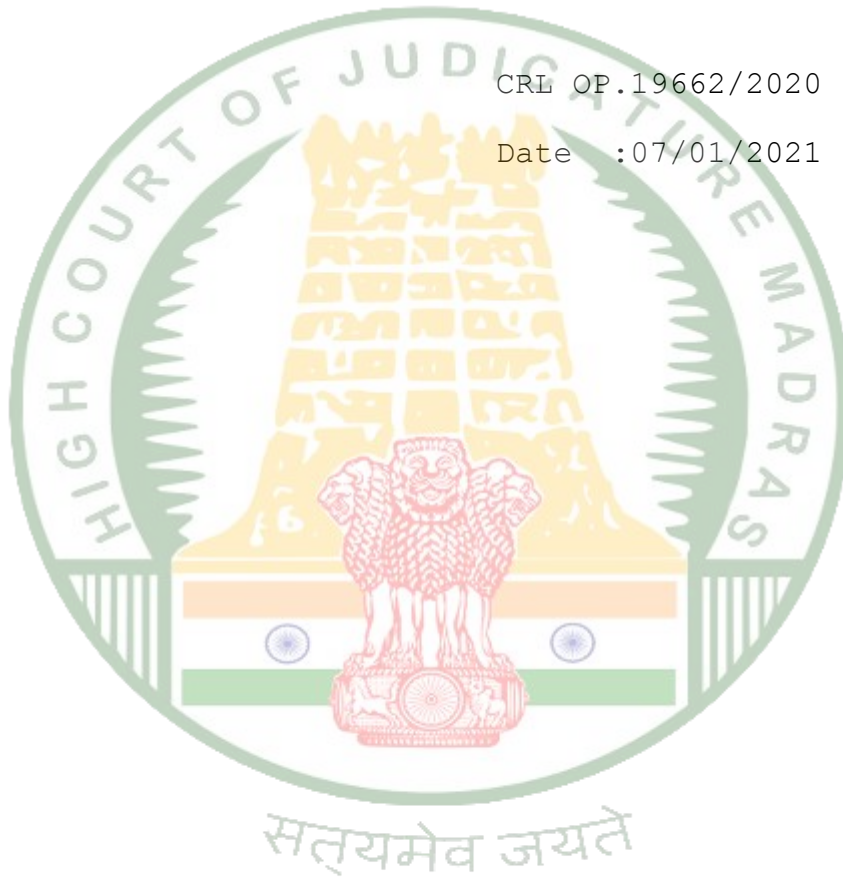
4 INSPECTOR OF POLICE,
CHEYYAR POLICE STATITON,
TIRUVANNAMALAI.

CC to M/S E.SATHIYARAJ Advocate on payment of necessary charges
Sr.355

CRL OP.19662/2020

Date :07/01/2021

RVR 19/01/2021



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