

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19735 of 2020

1.Sarathchandrar Sivakumar ... petitioners
2.Yuvanraj Sivakumar

Vs.

State Rep. by ... Respondent
The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai.
(Crime No.3684 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioners in the event of their arrest in Crime No.3684 of 2020 pending investigation on the file of the respondent police.

For petitioners: Mr.R.Rajasekaran

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

ORDER

(The case has been heard through video conference)

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.3684 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 28.11.2020 at 05.45 p.m., while the defacto complainant was riding his two wheeler from Thandarampet road via Housing Board, at that time, A1 in this case dashed against him, and, there was a wordy quarrel between the parties. Subsequently, the petitioners and other accused have joined A1 and attacked the defacto complainant and he sustained minor injury. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are ranked as A3 and A4 in this case. The defacto complainant has filed a false case against the petitioners and on 28.11.2020, when he was under the influence of

alcohol driven his bike recklessly and picked up quarrel with A1 and others, in which, no such injury caused to him as alleged in the complaint. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that a wordy quarrel between the parties, the petitioner and other accused assaulted the defacto complainant and the injured was discharged from the hospital. He would further submit that the co-accused has already been arrested and released on bail.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital and the co-accused has already been arrested and released on bail, this Court is inclined to grant anticipatory 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 is made ready, before the learned Judicial Magistrate No.I, Thiruvannamalai, on condition that the petitioners shall execute a 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.

[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

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

-sd/-

19/01/2021

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.I, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE ,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI.

+1 CC to R.RAJASEKARAN Advocate on payment of necessary charges SR NO. 637

WEB COPY CRL OP.19735/2020
Date :19/01/2021

MN-22/01/2021