

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20637 of 2020

1.Prakash @ Keeraikaran Prakash ... Petitioners
2.Nandhakumar
3.Pranavu @ Mani

Vs.

The State Rep. by ... Respondent
The Inspector of Police
Velur Police Station,
Namakkal District
(Crime No.1589 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1589 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.R.Jothimanian

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324, 427, 354 and 506(II) of IPC r/w 4 of TNPWH Act, 2002, in Crime No.1589 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that totally there are five accused in this case. The petitioners are ranked as A1, A2 and A5. Due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant, pursuant to which, the petitioners abused with filthy language and also assaulted the defacto complainant and thereby the defacto complainant sustained injuries and also the petitioners caused damage to the defacto complainant's motor cycle. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners had assaulted the defacto complainant, due to which, the defacto complainant sustained injuries. Therefore, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, 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, Paramathy, Namakkal 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 daily at 10.30 a.m until further orders.

[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/-

05/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
PARAMATHY, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

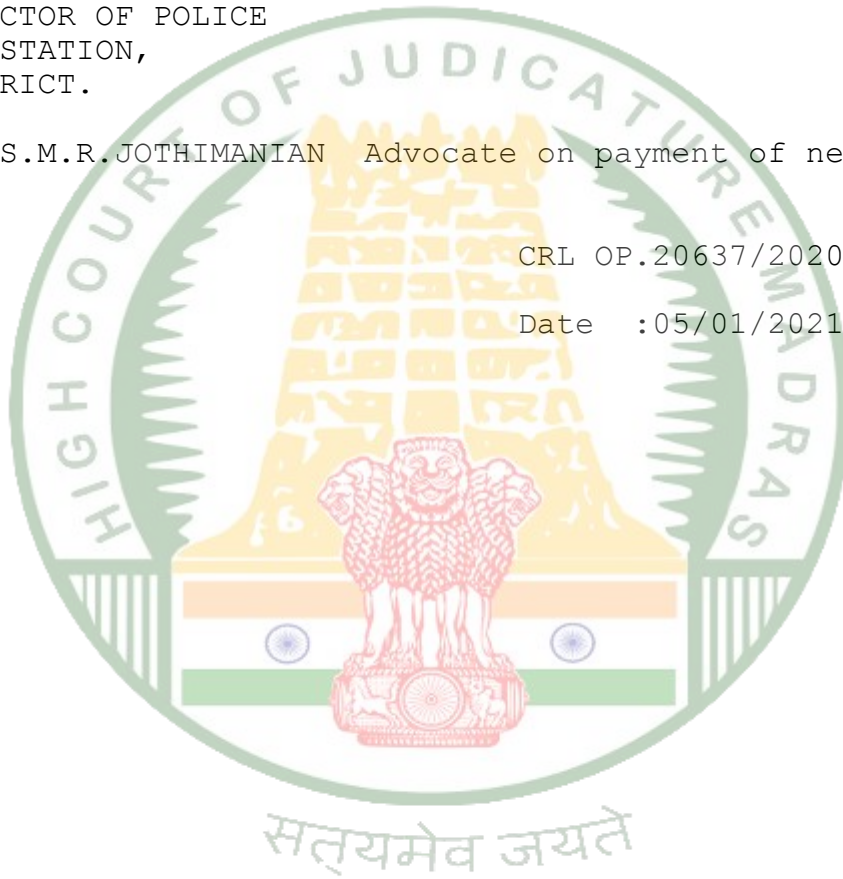
4 THE INSPECTOR OF POLICE
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.M.R.JOTHIMANIAN Advocate on payment of necessary
charges

CRL OP.20637/2020

Date :05/01/2021

TA-01/02/2021



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