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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20659 of 2020

1.A.Saravanan @ Saravanabhawanantham
2.Muthalagan ... Petitioner/ Accused 1 & 2

-Vs-

State rep.by
Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.
(Crime No.3024 of 2020) ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of arrest in connection with the Crime No.3024 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.R.Nalliyappan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 324, 506(ii) of IPC and 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No. 3024 of 2020, on the file of the respondent, seek anticipatory bail.

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2.The case of the prosecution as per the defacto complainant viz., Jaya is that on 26.09.2020, while she was alone at her home, her neighbour one Kaviyazhagan had borrowed her husband's motor cycle, later he had come back around 03.30 hours and parked the vehicle in front of her house. Thereafter, around 03.45 hours, the accused armed with machete had come to the house of the defacto complainant and asked her about the whereabouts of the said Kaviyazhagan and when she has expressed that the said Kaviyazhagan is her neighbour, they had caused damage to the motor vehicle lent to the said Kaviyazhagan and also the house hold articles worth Rs.15,000/- and have also assaulted her with machete, due to which, she sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners were already granted anticipatory bail by this Court in Crl.O.P.No.15673 of 2020 dated 14.10.2020. However, due to Covid-19 pandamic situation, the petitioners were not able to surrender the said conditions before the court below within the prescribed time and that the earlier order got lapsed. Hence, the present petition has been filed seeking for grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners have earlier assaulted one Nilavalagan in respect of which, a case was registered in a nearby police station. Thereafter, the petitioners have followed Nilavalagan, who had borrowed the bike from the husband of the defacto complainant and came to the house of the defacto complainant and caused damage to the motor vehicle, house hold articles worth Rs.15,000/- and have also assaulted the defacto complainant, due to which, she has sustained injuries. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration of the facts and submissions made by the learned counsel that the petitioners are ready to deposit a sum of Rs.15,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready and each petitioner 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 Judicial Magistrate No.I, Mannargudi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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[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 every day at 10.30 a.m., until further orders.

[c] the petitioners shall jointly deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.3024 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy is made ready and on such deposit the defacto complainant is permitted to withdraw on filing of proper application.

[d] It is made clear that the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

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

[g] 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].

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

7.With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/01/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE NO.I,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
THIRUVARUR

CC to R.NALLIYAPPAN Advocate on payment of necessary charges

CRL OP.20659/2020

Date :08/01/2021

MK:01/02/2021

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