

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,  
PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,  
Principal District and Sessions Judge,  
Perambalur.**

**Wednesday, this the 01<sup>st</sup> day of July 2020.  
E. Bail No.267/2020.**

1. Vijayakumar, 28/20,  
S/o.Viswanathan.
2. Vinoth, 26/20,  
S/o.Viswanathan.
3. Vijayendhiran, 24/20,  
S/o.Viswanathan,
4. Vijipal, 22/20,  
S/o.Viswanathan,  
All are residing at ,  
Ogalur Village,  
Kunnam Taluk,  
Perambalur District.

... Petitioners/Accused.

-vs-

Represented by the Sub-Inspector of Police,  
Mangalamedu P.S  
Cr.No.1046/2020.  
Offence U/S.294(b), 342, 353, 506(ii), 379, 511 IPC.

... Respondent/Complainant.

This petition coming on this day before me for order in the form of e-bail by Thiru.R.Ambigapathi, Advocate for the petitioners/accused and the Public Prosecutor for the State and upon perusing the petition and other records, this Court has delivered the following...

**ORDER**

This petition has been filed through e-bail U/s.438 of Cr.P.C. for grant of anticipatory bail to the petitioners for the offence U/S.294(b), 342, 353, 506(ii), 379, 511 IPC.

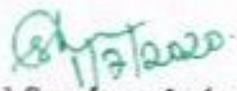
2.The learned Counsel for the petitioners stated that the alleged date of occurrence was on 15.06.2020 and FIR was registered on the same day and the petitioners/accused have been falsely implicated in this case and if they are released on anticipatory bail, they will be ready to furnish sufficient sureties and they will abide the conditions which are imposed by this Court and they will not abscond or tamper the witness or evade justice in any manner and undertake to pay the necessary court fee at the time of surrender and they have not filed any bail application before the Hon'ble High Court of Madras and hence the accused are seeking for anticipatory bail.

3. The learned Public Prosecutor has strongly objected that the R.I was assaulted and threatened by two accused and the investigation is not yet completed and the similar offence has been pending against the 2<sup>nd</sup> & 4<sup>th</sup> petitioners/A2 and A4 and if they are released on anticipatory bail, they may commit the same offence again and strongly opposed for granting bail.

4. On perusal of records, the case has been registered on 15.06.2020 . The petitioner's Counsel stated in his petition that the police are falsely foisted the case against the petitioners/accused and the sand has been purchased utilized for constructing a building. On the other hand ,the learned Public Prosecutor strongly objected that the R.I went to the spot curtail of the above occurrence, at the time two accused were assaulted and threatened the R.I and the Investigation is not yet completed. In the similar offence pending against the 2<sup>nd</sup> & 4<sup>th</sup> petitioners/ A2 and A4. Considering the above, this petition is dismissed.

Pronounced by me and sent through mail, this the 01<sup>st</sup> day of July, 2020.



  
Principal District and Sessions Judge,  
Perambalur.

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,  
Principal District and Sessions Judge,  
Perambalur.**

**Wednesday, this the 01<sup>st</sup> day of July 2020.**

**E. Bail No.268/2020.**

1. Subbaiyan, 65/20, (A-2),  
S/o.Vadivel.
  2. Rajakumari, 55/20, (A-3),  
W/o.Subbaiyan.
  3. Selvi, (35/20, (A-4),  
D/o.Subbaiyan.
  4. Balakrishnan, 26/20, (A-5),  
S/o.Subbaiyan.
  5. Sekar, 55/20, (A-6),  
S/o.Sepperumal.
  6. Sathish, 25/20, (A-7),  
S/o.Sekar.
- All are residing at ,  
Mela Street, Mangalam Village,  
Alathur Taluk,  
Perambalur District.

... Petitioners/ Accused

-Vs -

State through the Sub-Inspector of Police,  
Kunnam P.S.

Cr.No.79/2020.

Ofence U/S.147, 148, 294(b), 323 & 324 of IPC.

... Respondent/Complainant.

This petition coming on this day before me for order in the presence of Thirualargal,R.Thirumalai, A.Marimuthu and A.Arivazhagan, Advocates for the petitioners/accused and of the Public Prosecutor for the State, upon hearing both

sides, perusing the petition and other relevant records, this Court has delivered the following...

**ORDER**

This is an application filed U/S.438 of Cr.P.C. for grant of anticipatory bail to the petitioners for the offence U/S.147, 148, 294(b), 323 & 324 of IPC.

2. The learned Counsel for the petitioners submitted that this Court already granted bail in E Bail No.598/2020, dated 23.03..2020 with conditions that the that the petitioners/accused shall surrender before the learned Judicial Magistrate No.II, Perambalur on or before 06.04.2020 or else the anticipatory bail granted to them shall stand automatically canceled. Due to COVID-19 pandemic all the petitioners/accused could not appear and offer the sureties for their bail therefore, they could not comply with the conditions. He would further submit that the petitioners/accused have not committed any such alleged offence and if they are released on anticipatory bail, they will be ready to furnish sufficient sureties and they will abide the conditions which are imposed by this Court and they will not abscond or tamper the witness or evade justice in any manner and undertake to pay the necessary court fee and they have not filed any bail application before the Hon'ble High Court of Madras and hence the accused are seeking for anticipatory bail.

3. The learned petitioner's Counsel argued that the anticipatory bail was granted on 23.03.2020. Due to COVID-19 the petitioners are not able to surrender before the Judicial Magistrate No.II, Perambalur on or before 06.04.2020 and now he come forward with the petition.

4. The learned Public Prosecutor has strongly objected that the surrender has been complied by this Court in the time of COVID-19 also and the investigation has been pending.

5. On perusal of the records, the anticipatory bail was ordered on 23.03.2020 before lock down announced by the State Govt. The reason stated by the petitioner in his petition due to COVID-19 they could not able to surrender. Considering the submission made by the petitioner Counsel and also victim was discharged from the hospital. Hence this Court is inclined to grant anticipatory bail with conditions:

Accordingly, (i) that the petitioners/accused shall in the event of their arrest or surrender before the learned Judicial Magistrate No.II, Perambalur concerned be released on anticipatory bail on executing a bond for Rs.10,000/-with two sureties each for a likesum each to the satisfaction of the learned Judicial Magistrate No.II, Perambalur and on further condition that

(a) 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 daily at 10.00 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

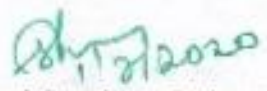
(d) the petitioners shall not abscond either during investigation or trial.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(g) that the petitioners/accused shall surrender before the learned Judicial Magistrate No.II, Perambalur on or before 08.07.2020 or else the anticipatory bail granted to them shall stand automatically cancel.

Pronounced by me in open Court, this the 01<sup>st</sup> day of July, 2020.

  
Principal District and Sessions Judge,  
Perambalur.

COPY TO: 1. The Judicial Magistrate No.II, Perambalur.  
" 2. The Public Prosecutor, Perambalur.  
" 3. The Sub-Inspector of Police, Kunnam P.S.  
" 4. The Advocate for the petitioners.

