

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17950 of 2018

1 THANGARAJ, [ PETITIONERS / ACCUSED ]  
2 PALANATHAL,  
3 SELVARAJ,

Vs

THE INSPECTOR OF POLICE [ RESPONDENT ]  
ALANGIYAM, POLICE STATION,  
DHARAPURAM TALUK,  
TIRUPPUR DISTRICT,  
CR.NO.62 OF 2018.

For Petitioner : M/S.L.SRILEKA Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.62 of 2018 registered by the respondent police for the offence punishable under Sections 341, 294(b), 323, 342, 355 and 506(ii) of IPC.

2. The case of the prosecution as per the de-facto complainant one Kumarasamy is that on 13.06.2018, the petitioners' cattle entered into the fields of the defacto complainant and when he had questioned, the petitioners have abused the defacto complainant with filthy language and also assaulted him.

3. The learned counsel for the petitioners would submit that due to a land dispute, a false complaint has been given against the petitioners. He would submit that on the complaint given by the petitioners, a case in Crime No.63 of 2018 was registered against the defacto complainant. He would submit that the first accused has been arrested and later, enlarged on bail and that since the petitioners happened to be the relative of the first accused, they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that due to a land dispute, the petitioners along with other accused abused the defacto complainant with filthy language and also assaulted him with stones and sticks. He would submit that A1 has been arrested and

later enlarged on bail and that there is no previous case against the petitioners. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the injured has been discharged from the hospital and that there is no previous case against the petitioners, I am 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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Dharapuram, on condition that each of the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[c] the petitioners 1 and 3 shall report before the respondent police daily at 10.30.a.m., until further orders and the second petitioner shall report before the respondent daily at 10.30.a.m., for a period of two weeks and thereafter, as and when required.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

-sd/-  
16/07/2018

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, DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
ALANGIYAM, POLICE STATION,  
DHARAPURAM TALUK,  
TIRUPPUR DISTRICT,

+1 CC to M/S.L.SRILEKA Advocate on payment of necessary charges-  
sr.13234

CRL OP.17950/2018

Date :16/07/2018

ths : 19.07.2018