

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9348 of 2020

1.Vellingiri,(M/40 years)
S/o Karuppusamy
No.9/375, Elusuli,
Thimmampalayam, Maruthur,
Karamadai,
Coimbatore District.

2. Revathi (F/33 years)
W/o Chinna Vellingiri,
No.9/376-S, Elusuli,
Thimmampalayam, Maruthur,
Karamadai,
Coimbatore District.

3.Suresh, (M/34 years)
S/o Ramasamy,
NO.9/377, Elusuli,
Thimmampalayam, Maruthur,
Karamadai,
Coimbatore District.

4.Vinoth Kumar, (M/22 years),
S/o.Murugesan,
NO.9/378, Elusuli,
Thimmampalayam, Maruthur,

Karamadai,
Coimbatore District.

...

petitioners/A1-4.

Vs.

State Rep. by
The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Cr. No.465 of 2020)

...

Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.465 of 2020 on the file of the respondent police.

For petitioners : Mr.C.Ramkumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323, 324 and 506 (ii) of IPC in Crime No.465 of 2020, seek anticipatory
bail.

2. The case of the prosecution is that there was a property
dispute between the petitioners and the defacto complainant and it is

alleged that the petitioners abused the defacto complainant with filthy language and when the same was questioned by him, they assaulted him with hands and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners and the defacto complainant are neighbours and due to property dispute, there was a wordy quarrel between them. It is alleged that the petitioners assaulted the defacto complainant with hands and caused injuries. He further submitted that the injured discharged from the hospital and there is one previous case pending against the petitioners. Hence he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners/A1 to A4, with certain 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 made ready, before the learned Judicial Magistrate, Mettupalayam, on condition that each of 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, 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 daily at 10.30 a.m.,for a period of two weeks and thereafter, 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 SCW 5560]**.

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

सत्यमेव जयते

25.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

jrs

G.K.ILANTHIRAIYAN, J

jrs

To

- 1.The Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



CrI.O.P.No.9348 of 2020

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