

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA  
Crl.O.P.No.14486 of 2020

1.E.Sampath  
2.Madhulakshmi

... Petitioners/Accused 2&1

Vs.

The Inspector of Police,  
Karimangalam Police Station,  
Dharmapuri District.  
Crime No.1413 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.1413 of 2020 pending on the file of the Inspector of Police, Karimangalam Police Station, Dharmapuri District.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

O R D E R

(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 294 (b), 323, 506(i) and 379 (NP) of IPC, in Crime No.1413 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute between the second petitioner and the de-facto complainant, the petitioners abused the de-facto complainant and her family in filthy language and also assaulted them with a wooden log and caused simple injury. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to property dispute arose between the petitioners and the de-facto complainant, the de-facto complainant has given a false

complainant. He would further submit that the second petitioner has lodged a complaint against the de-facto complainant and her family and the same was registered in Crime No.1412 of 2020. He would further submit that this is a case in counter regarding a share over the property. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to property dispute, the petitioners abused the de-facto complainant in filthy language and attacked them with wooden log. He would further submit that the injured has been discharged from the hospital and there are no previous case against the petitioners. Hence, he opposed to grant 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 with certain 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Palacode, Dharmapuri 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, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday 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.

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

-sd/-  
17/09/2020

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 COURT,  
PALACODE, DHARMAPURI DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE  
KARIMANGALAM POLICE STATION, सत्यमेव जयते  
DHARMAPURI DISTRICT.

+1CC to M/S C.PRABAKARAN Advocate on payment of necessary charges SR NO.6308

CRL OP.14486/2020

Date :17/09/2020

MK:22/09/2020