

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16208 of 2020

1.POONGUDI  
2.BALAMANI  
3.Arun @ ARUNKUMAR  
4.MARIMUTHU

... Petitioners

Vs

State represented by  
THE INSPECTOR OF POLICE  
ALANGIYAM POLICE STATION  
TIRUPPUR DISTRICT.

In Crime No.692/2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in connection with in Crime No.692 of 2020 on the file of the respondent, Alangiyam Police Station, Tiruppur District.

For Petitioners : Mr.P.Kalimuthu

For Respondent : Mr.M.Mohamed Riyaz  
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 alleged offences under Sections 447, 294 (b), 323, 506(2) of IPC, in Crime No.692 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that due to dispute in sharing the property, there was a wordy quarrel and that the petitioners have assaulted the defacto complainant, thereby, he sustained simple injuries.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to partition of the property. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a dispute in sharing the property, due to which, wordy quarrel arose between the defacto complainant and the accused persons and that the accused have attacked the defacto complainant, He would further submit that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and considering the fact that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 was made ready, before the learned Judicial Magistrate, Dharapuram. on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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.

[c] the 1st petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

[e] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

13/10/2020

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,  
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ALANGIYAM POLICE STATION,  
TIRUPPUR DISTRICT.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.16208/2020

Date :13/10/2020

RVR 22/10/2020

WEB COPY