



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18400 of 2020

WEB COPY

1.Lakshmi

2.Balamani

3.Rukmani

... Petitioners

Vs.

State rep. By

The Inspector of Police

Tiruppur North Police Station

Tirupur District

(Crime No.1996 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.1996 of 2020 on the file of the respondent police.

For Petitioners: Mr.S.P.Meenakshi Sundaram

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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 147, 148, 427, 447, 294(b), 323, 324 and 506(ii) IPC** in Crime No.1996 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Palanisamy is that due to property dispute, the petitioners along with other accused, trespassed into the property of the defacto complainant, abused and attacked him with wooden log and damaged the compound wall and also removed the fencing stones and thereby, caused damages the to worth of Rs.25,000/-.



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 previous enmity. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that there is no previous case against the petitioners and 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 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 is made ready**, before the **learned Judicial Magistrate-I, Tiruppur**, 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 daily 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/11/2020

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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-I,
TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DIST.

+1 CC to M/S.S.P.MEENAKSHI SUNDARAM Advocate on payment of
necessary charges SR.NO.7757

CRL OP.18400/2020

Date :23/11/2020

GKS:30/11/2020