

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19104 of 2020

1.Rethinam
2.Srinivasan
3.Sivasubramaniyan @ Subramaniyan
4.Shanmugasundar

... Petitioners

Versus

State Rep.by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.2927 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.2927 of 2020 on the file of the respondent police.

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.2927 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as unfolded from the complaint of the de-facto complainant is that a tree from land of the defacto complainant fell in the land of the petitioners and it was removed by the petitioners without consent of the defacto complainant. When the same was questioned by her and her husband, the petitioners scolded them in filthy language and assaulted them besides threatened them with dire consequences. Hence, a complaint was given.

3.The learned counsel appearing for the petitioners would

submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submitted that the petitioners never indulged in any such offence as alleged by the prosecution. Hence, he prays for the grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the first accused is having one previous case and others are not having any case against them. There is a land dispute between the petitioners and the defacto complainant. At the time of wordy quarrel, the petitioners attacked the defacto complainant with knife on head. There is a counter case filed by the petitioners in Crime No.2926 of 2020, which is pending for investigation. However, he vehemently opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case, 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 was made ready, before the **Learned Judicial Magistrate, Thiruthuraipoondi**, 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 conditions 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 am., 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, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/12/2020

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,
THIRUTHURAIPOODI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.19104/2020

Date :09/12/2020

TA-16/12/2020

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