

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.341 of 2021

1. K.Ettiyappan
2. E. Navaneetham
3. E. Varalakshmi

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Olakkur Police Station,
Villupuram District.
(Crime No.1437 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1437 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.G.Tamilselvan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners were arrayed as A1 to A3. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 307 of I.P.C. in Crime No.1437 of 2020 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioner and the defacto complainant are neighbours. There was a wordy quarrel in taking water from the public pipeline, in which, the petitioners said to have pushed down the defacto complainant and also attacked him with iron rod, thereby caused injury to him. Hence, the present complaint has been filed against the petitioners.

3. I have heard and considered the rival submissions made by learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

4. On perusal of records, it could be seen that the occurrence took place between neighbours in a wordy quarrel for taking water from the public pipeline, as a result of which, the petitioners said to have pushed down the defacto complainant and attacked with iron rod and he has taken treatment as outpatient. Accordingly, taking

into consideration of the facts and circumstances, 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 of receipt of a copy of this order, before the learned Judicial Magistrate I, Tindivanam, 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, 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 petitioners shall appear before the respondent police as and when required for interrogation ;

[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.

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

-sd/-

18/01/2021

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,
NO.I, TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

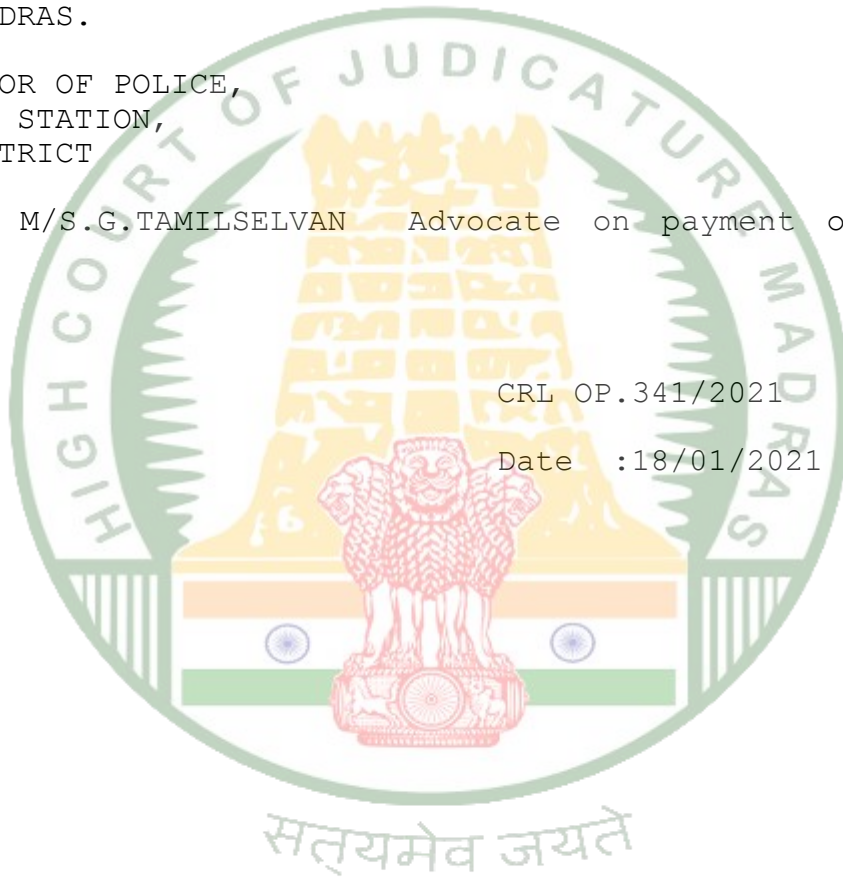
4 THE INSPECTOR OF POLICE,
OLAKKUR POLICE STATION,
VILLUPURAM DISTRICT

CC to M/S.G.TAMILSELVAN Advocate on payment of necessary
charges SR.427

CRL OP.341/2021

Date :18/01/2021

RVR 19/01/2021



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