

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.465 of 2021

1. Rani ... Petitioners/A2toA6
2. Muthuvel
3. Muthamanikandan
4. Azhakesan
5. Muthaiyan

Vs.

State represented by the ... Respondent
Inspector of Police,
Kachirapalayam Police Station
Villupuram District
(Crime No.1236 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to release the petitioners on bail in the event of their arrest pending investigation in Crime No.1236 of 2020 on the file of the Inspector of Police, Kachirapalayam Police Station, Villupuram District.

For Petitioners : Ms. V.Sasi Rekha

For Respondent : Mr.S.Karthikeyan
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 offences punishable under Sections 294(b), 324, 506(ii), 427, 341, 323, 307 IPC in Crime No.1236 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are ranked as A2 to A6. The allegation is that A1 and the defacto complainant are brothers. A2 is wife and A3 and A4 are sons and A5 and A6 are relatives A1. Due to property dispute, a wordy quarrel arose between the petitioners and the defacto complainant. In the melee, the defacto complainant's father was attacked by the petitioners and abused in filthy language and also caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners on instructions would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners said to have attacked the defacto complainant's father and caused injuries and the injured has been discharged from the hospital. He would further submit A1 was arrested and released on bail.

5. Taking into consideration the nature of offence and also taking note of the fact that A1 was arrested and released on bail and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner 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 II, Kallakurichi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 as and when required for interrogation.

[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 229-A IPC.

-sd/-

25/01/2021

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.II, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.V.SASI REKHA Advocate on payment of necessary charges SR.NO.857

CRL OP.465/2021

Date :25/01/2021

TA-02/02/2021

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