

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.733 of 2021

1. Selvam @ Selvaraj ... Petitioners
2. Gokul @ Vignesh
3. Usha @ Usha Devi
4. Annakodi

Vs.

State Rep. by Respondent
The Inspector of Police,
Velampalayam Police Station,
Tiruppur District.
(Crime No.15 of 2021)

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.15 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Saravanan

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

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A4. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 323, and 506(ii) of I.P.C. and Section 4 of Women Harassment Act, 2002 in Crime No.15 of 2021 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioners and defacto complainant are neighbours. The occurrence has been taken place due to a dispute in respect of a pathway between them, and there was a wordy quarrel, in which, the petitioners said to have attacked and threatened the defacto complainant. Hence, the present complaint has been filed against the petitioner. Now, seeking anticipatory bail, the present petition has been filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have

not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner and the defacto complainant are neighbours. He would submit that due to a dispute in respect of a pathway between them, there was a wordy quarrel, as a result of which, the petitioners have attacked and also threatened the defacto complainant. He would submit that there are no previous cases pending as against the petitioners and the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration of the fact that the occurrence took place between neighbours in a wordy quarrel due to a dispute in respect of a pathway between them, as a result of which, the petitioners said to have attacked the defacto complainant with hands and the injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioners are directed to be released on bail in the event of their 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 No.3, Tiruppur, 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:

[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;

[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.

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

-sd/-

22/01/2021

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.3,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges SR NO. 759

CRL OP.733/2021

Date :22/01/2021

MN-02/02/2021

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