

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.679 of 2021

1. Nagarajan ... Petitioners
2. Vetharajan
3. Sivakumar
4. Ravichandran
5. Abilesh

**(*)No 1 to 5 are residing at
Mela Street, Keelapattu,
Needamangalam Taluk,
Tiruvarur District.**

Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.
(Crime No.27 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.27 of 2021 pending investigation on the file of the Respondent.

For Petitioners: Mr.M.Vijayaragavan

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

ORDER

(The case has been heard through video conference)

The petitioners were arrayed as A1 to A5. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 and 506(i) of I.P.C. in Crime No.27 of 2021 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that as there is a civil dispute pending between the petitioners and the defacto complainant, on the date of occurrence, when the defacto complainant going nearby the house of the 1st petitioner, the other petitioners to have scolded him in filthy language and also

attacked him with wooden log, thereby caused injury to him. Hence, the present complaint has been filed against 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 petitioner.

4. The learned Additional Public Prosecutor submitted that due to a civil dispute pending between the defacto complainant and the petitioners, the petitioners have scolded him in filthy language and also attacked him with wooden log. 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 and considered the rival submissions made by 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 due to a civil dispute, as a result of which, the petitioners said to have scolded him in filthy language and attacked him with wooden log and the injured was also discharged from the hospital, 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 District Munsif cum Judicial Magistrate, Needamangalam, 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;

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.

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

-sd/-
21/01/2021

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.

(*)Amended and Time is extended for a further period of two weeks to comply with the conditions imposed by this Court in Cr1.O.P.No.679 of 2021 dated 21.01.2021 as per order of this court made in Cr1.M.P.No.1457 of 2021 dated 18.02.2021.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges SR NO. 1888

CRL OP.679/2021

Date :21/01/2021