

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1013 of 2021

1. Nandhini
2. Indhara
3. Kala @ Kalavathi

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Natrampalli Police Station
Thirupathur District.
(Crime No.12 of 2021)

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

For Petitioners : Mr.S.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1, A2 and A4. They apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No. 12 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that due to a civil dispute with regard to misuse of pathway of petitioners, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, they said to have abused the defacto complainant in filthy language and threatened him with dire consequences. They have also attacked the defacto complainant with hands and span, thereby caused injuries to him. In the said circumstances, the criminal case has been registered against them and now, they are seeking anticipatory bail. Now, apprehending arrest, the petitioners have filed this petition seeking for anticipatory bail.

3. The learned counsel appearing for petitioners would submit that there is a civil dispute between the parties in respect of using the pathway of petitioners. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the

complaint and due to previous enmity, they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to a civil dispute, there was a wordy quarrel, as a result of which, the petitioners have abused the defacto complainant with filthy language and threatened him dire consequences. He would submit that they have also attacked the defacto complainant with hands and span, as a result of which, they have caused injuries to him. He would submit that the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the fact that due to a civil dispute, there was a wordy quarrel between the parties, and now the injured has been 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 Judicial Magistrate No.III, Thirupathur 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.

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

-sd/-

27/01/2021

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.III, THIRUPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
THIRUPATHUR DISTRICT

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
SR.NO.887

CRL OP.1013/2021

Date :27/01/2021

RVR 04/02/2021

WEB COPY