

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2344 of 2021

1. Siva @ Sivakumar ... Petitioners
2. Sivasamy
3. Manju @ Manjunath
4. Murugesan @ Murugesh
Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Uthukuli Taluk Police Station
Tiruppur District.
(Crime No.770 of 2020)

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.770 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.C.S.Saravanan

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

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 294(b), 323, 506(i) of I.P.C., in Crime No. 770 of 2020, 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 the petitioners and the defacto complainant are neighbours. Due to a civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, they said to have abused and attacked the defacto complainant, thereby caused injury to him. In the said circumstances, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that it is a civil dispute between neighbours. He would

submit that on the date of occurrence, due to a civil dispute, there was a wordy quarrel between the parties. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and 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 between neighbours, there was a wordy quarrel, and they have attacked the defacto complainant, thereby caused injury. He would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that the occurrence took place due to a civil dispute between the parties, in which, there was a wordy quarrel between them and the injured was 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, Uthukuli 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.

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

-sd/-
11/02/2021

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,
UTHUKULI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

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Date :11/02/2021

MN-22/02/2021