

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2872 of 2021

1. Vairappan (A1) ... Petitioners
2. Vengadasalam (A3)
3. Manjula (A-6)
4. Susila (A-7)
5. Perumal (A-8)
6. Saravanan (A-9)
7. Raja (A-10)

-Vs-

State by ... Respondent
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No. 36 of 2021)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.36 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr. M.Jayachandran

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 alleged offences under Sections 147, 294 (b), 323, 324, 506(ii) 379 and 427 of IPC in Crime No.36 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant, as a result of which the 1st petitioner had entered into the land of the defacto complainant and abused in filthy language and assaulted him with wooden log, stone and took cell phone and one two wheeler. Due to which, the defacto complainant and his father were sustained injury and admitted Government Hospital. Hence, the complaint was

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that there is no previous cases pending as against these petitioners and there is a case in counter in Crime No.35 of 2021 against the defacto complainant. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there was a land dispute between the petitioners and the defacto complainant, as a result of which the 1st petitioner had entered in to the land of the defacto complainant and abused in filthy language and assaulted with wooden log, stone and took cell phone and one two wheeler. Due to which, the defacto complainant and his father were sustained injury and admitted Government Hospital and there is a case in counter in Crime Nos.35 & 36 of 2021. He would further submit that the injured persons have been discharged from the hospital and there is no previous case pending as against these petitioners.

5. Considering the facts and circumstances of the case and the injured persons have been discharged from the hospital and that there is a case in counter, this court is inclined to grant anticipatory bail to the petitioners 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 made ready, before the learned Judicial Magistrate No.II, Krishnagiri, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (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 this 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 shall be 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/02/2021

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 NO.II,
KRISHNAGIRI DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.2872/2021

Date :16/02/2021

MN-01/03/2021

<https://hcservices.ecourts.gov.in/hcservices/>