

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3077 of 2021

1. K.K.Rasukutti
2. K.Govindaraj

... Petitioners/Accused

-Vs-

State rep by,
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
(Crime No.89 of 2021)

... Respondent/Complainant

N.KRISHNAVENI

[PETITIONER / INTERVENER /
DE FACTO COMPLAINANT]

[ORDERED AS PER ORDER OF
THIS COURT DATED 23/02/2021
IN CRL.MP.NO.2051/2021 IN CRL.OP.NO.3077/2021]

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.89 of 2021 on the file of the respondent police.

For Petitioners : Mr.N.S.Suganthan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For Intervenor : Mr.S.Vinoth Kumar

WEB COPY
ORDER
(Heard through video conference)

The petitioners, who were apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 427, 506 (i) of I.P.C. in Crime No.89 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute the petitioners along with other accused had pelted the stones in the defacto complainant house and also caused damaged to the water pipe and thereafter a wordy quarrel arose between the parties, as a result of which, the petitioners abused the defacto complainant in filthy language and also assaulted him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the petitioners and the defacto complainant were neighbours and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to civil dispute the petitioners along with other accused had pelted the stones in the defacto complainant house and also caused damaged to the water pipe.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Considering the fact that the entire contraband has already been seized and there is no previous case pending against him, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

[a] the petitioners are ordered to be released on bail in the event of their 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 executing a 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:

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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 are 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

23/02/2021

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.

+1 CC to M/S.N.S.SUGANTHAN Advocate on payment of necessary charges SR.No.2255

CRL OP.3077/2021

Date :23/02/2021

cs 09/03/2021