

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.3477 & 3755 of 2021

PRABU @ PRABU KANNAN

[ PETITIONER / ACCUSED  
IN CRL.OP.NO.3477/2021]

DEEPAGAN

[ PETITIONER / ACCUSED  
IN CRL.OP.NO.3755/2021]

Vs

STATE REP BY

[ RESPONDENT IN BOTH THE PETITIONS ]

THE INSPECTOR OF POLICE,  
THALAYAMANGALAM POLICE STATION,  
TIRUVARUR DISTRICT.  
(CR.NO.87/2021)

For Petitioner : M/S.D.LAKSHMIPATHY Advocate

[ IN BOTH THE PETITIONS ]

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

[ IN BOTH THE PETITIONS ]

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.3477 of 2021 apprehends arrest for the alleged offences under Sections 448, 294(b), 352, 323, 325 and 506(i) of I.P.C in Crime No.87 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The petitioner in Crl.O.P.No.3755 of 2021 apprehends arrest for the alleged offences under Sections 448, 294(b), 352, 323, 325 and 506(i) of I.P.C in Crime No.87 of 2021, on the file of the respondent/Police, seek anticipatory bail.

3. Totally there are 3 accused in this case. The petitioner in Crl.O.P.No.3477 of 2021 and 3755 of 2021 are A1 and A2 respectively. The case of the prosecution is that while A2 and A3 in this case were proceeding in a two wheeler, they dashed against the cycle of the defacto complainant and the same was questioned by the defacto

complainant. Due to which the petitioners along with A1 went to house of the defacto complainant and assaulted him and his family members and caused injuries to them. Hence the complaint.

4. The learned counsel for the petitioners submitted that there was a wordy quarrel between both sides in respect of the accident and in that incident, both sides attacked each other. He would further submit that the defacto complainant had attacked the petitioners, due to sudden provocation, the petitioners said to have attacked the defacto complainant and there is no ulterior motive behind the assault. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that while A2 and A3 in this case were proceeding in a two wheeler, they dashed the defacto complainant, who is riding in a cycle and the said act was questioned by the defacto complainant. Due to which the petitioners went to the house of the defacto complainant and attacked him and his family members and caused injuries to them. He would further submit that still the injured was taking treatment in hospital as out patient. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and the fact that only due to wordy quarrel the occurrence has taken place this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.II, Mannargudi on condition that the petitioner shall execute a 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 his 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.

[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 229 A IPC.

With the above directions, these Criminal Original petition is ordered.

-sd/-

17/03/2021

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, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

+2 CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges SR.Nos.3522 & 3521

CRL OP.Nos.3477 & 3755/2021

Date :17/03/2021

cs 30/03/2021