

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3553 of 2021

1.S.Solaman
2.Anthonysamy

... Petitioners

Vs.

State represented by,
The Sub Inspector of Police,
Moongilthuraipattu Police Station,
Sankarapuram Taluk,
Kallakurichi District - 605 702.
(Crime No.24 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 being arrested in Cr.No.24 of 2021 on the file of the respondent police, pending investigation.

For Petitioners : Mr.J.Agni Selvaraju

For Respondent : Mr.S.Karthikeyan,
APP

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 323, 324, 506(ii) of I.P.C. and Section 4 of Women Harassment Act, in Crime No.24 of 2021 on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioners are neighbours. Due to a civil dispute in respect of common pathway and common drainage, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, they said to have attacked the defacto complainant, thereby caused injury to him. The 1st petitioner has also given a counter complaint in Crime No.25 of 2021. Hence, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that it is case in counter. He would submit that earlier, the petitioners have given a complaint, which was registered in Crime No.25 of 2021, as a counterblast, the present complaint has been filed. He would submit that they are innocent persons and they are no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case in counter and now the investigation is almost completed. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the occurrence was taken place due to a wordy quarrel between the parties, now it is stated that a counter case was registered against the defacto complainant, the injured was discharged from the hospital, and there is no bad antecedents against the petitioners, 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, Sankarapuram, Kallakurichi Dt. 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/-
24/02/2021

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,
SANKARAPURAM, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
MOONGILTHURAIPATTU POLICE STATION,
SANKARAPURAM TALUK,
KALLAKURICHI DISTRICT-605 702.

+1CC to M/S.J.AGNI SELVARAJU Advocate on payment of necessary charges SR NO.2282

CRL OP.3553/2021

MK:04/03/2021

Date :24/02/2021

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