

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3563 of 2021

1. Elumalai
2. Murugan
3. Parasuraman
4. Manikandan
5. Balaji
6. Lakshmi
7. Subramani
8. Muniyammal @ Abinaya
9. Pachaiyammal
10. Koteeswari
11. Muniyammal

... Petitioners

-Vs-

The State Rep.by
The Inspector of Police,
Chetpet Police Station,
Chetpet, Tiruvannamalai District.

... Respondent

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.65/2021 pending on the file of the respondent.

For Petitioners: Mr.B.Jawahar

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 punishable under Sections 174, 148, 294(B), 323, 324, 506(i) of IPC @ 147, 148, 294(b), 323, 324, 120(B) and 307 of IPC in Crime No.65 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, as a result of which, all the accused persons had entered into a field and attacked the defacto complainant with weapons and caused serious injuries. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that co-accused had already been arrested and thereafter, he was released on bail. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there was a civil dispute between the petitioners and the defacto complainant, as a result of which, all the accused persons had entered into a field and attacked the defacto complainant with weapons and caused serious injuries. He would further submit that the injured person has been discharged from the hospital. He would further submit that co-accused had already been arrested and thereafter he was released on bail and there is no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case and the co-accused was released on bail and the injured person has been discharged from the hospital, 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, Arani, 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the 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 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/-
10/03/2021

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,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
CHETPET, TIRUVANNAMALAI DISTRICT

+1 CC to M/S.B.JAWAHAR Advocate on payment of necessary
charges SR NO. 3212

WEB COPY

CRL OP.3563/2021

Date :10/03/2021

MN-17/03/2021