

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3956 of 2021

1. Sivakumar ... Petitioners
2. Jothi

Vs.

State rep. by ... Respondent
The Inspector of Police,
Kurisilapet Police Station,
Tirupattur District.
(*) (Crime No.665 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event of their arrest in **(*)Cr.No.665 of 2020** pending investigation on the file of the respondent.

For Petitioners : M/s.Karan and Uday

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioners are arrayed as A1 and A3. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324, 307 of I.P.C. in **(*)Cr.No.665 of 2020** and now, they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On the date of occurrence, on killing the hen belong to the defacto complainant, there was a wordy quarrel between them, thereby they have attacked him. Hence, a 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 there was a wordy quarrel between the parties and the injured discharged from the hospital. He would submit that the A2 was arrested and released on bail. He would also 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 in a wordy quarrel between neighbours, the petitioners have attacked the defacto complainant, thereby caused serious injury. He would submit that now the injured discharged from the hospital and the arrested accused was released on bail. 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 in a quarrel between neighbours, the injured discharged from the hospital and also considering the fact that 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 directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate No.2, Tirupattur, Tirupattur 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, 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, the 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
01/03/2021

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.

[*] Amended and Two weeks time is granted to the petitioner to comply with the conditional order passed by this Court, from the date on which the order copy made ready. Failing which, the petition for anticipatory bail shall stand automatically dismissed. as per order of this Court dated 26/03/2021. Made in CRL.MP.NO.3887 OF 2021. in CRL.O.P.NO.3956 OF 2021.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, THIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KURISILAPET POLICE STATION,
TIRUPATHUR DISTRICT.

+1 CC to M/S KARAN AND UDAY Advocate on payment of necessary charges SR.NO.4156

CRL OP.3956/2021

Date :01/03/2021

TA-12/03/2021

TA-21/04/2021