

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4143 of 2021

1 JAIBUNISHA [PETITIONERS / ACCUSED]
2 SHARINA BEGAM
3 SYED BEGUM
4 SHAMEEMA BEGUM
5 FARVIZ AHAMED @ PARVAS AHAMEDHU

Vs

THE STATE REP. BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.
CRIME NO.128 OF 2021

For Petitioner : M/S.S.SARAVANAKUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Sections 147, 294(b), 323, 324 and 506(ii) of Indian Penal Code 1860, in Crime No.128 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant. Due to which the petitioners have abused the defacto complainant with filthy language and assaulted with stones. Hence the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant attacked the petitioners and he has lodged a false complaint against these petitioners. He would further submit that the petitioners have also lodged a complaint against the defacto complainant in Crime No. 127 of 2021. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional public prosecutor would submit that the petitioners have abused the defacto complainant with filthy language and assaulted with stones and thereby caused injuries to the defacto complainant. He would further submit that the petitioners have also filed a complaint against the defacto complainant in Crime No.127 of 2021 on the file of the respondent police and as a counter blast, the present complaint has been lodged against the petitioners. Hence he opposed for grant of anticipatory bail to the petitioners

5. Considering the facts and circumstances of the case and also of the fact that the occurrence has taken place due to land dispute between the petitioners and the defacto complainant and the petitioners have also filed a counter case against the defacto complainant, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed 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 District Munisiff cum Judicial Magistrate, Veppanthattai on condition that the petitioners shall execute a 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 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 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 absconds, a fresh FIR can be filed against him under Section 229A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
03/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEPPANTHATTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.

+1CC to M/S.S.SARAVANAKUMAR Advocate on payment of necessary charges SR NO.2893

CRL OP.4143/2021

सत्यमेव जयते Date :03/03/2021

MK:09/03/2021

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