

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5449 of 2021

1 K.BALAGURUNATHAN @ MANIKANDAN

2 K.VIJAYAKUMAR

3 NISHANTH BABU @ NISAN

...PETITIONERS/ ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.

CRIME NO.636/2020

...RESPONDENT/COMPLAINANT

For Petitioners : Mr.A.RAJAKUMAR 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 :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.636 of 2020 on the file of the respondent police for the alleged offence u/s 294(b), 323 and 506(ii) of IPC, seek anticipatory bail.

2. The case of the prosecution is that there has been a land dispute between the parties and on the date of occurrence, there was a wordy quarrel between the parties and the petitioners in which the petitioners abused the de facto complainant in filthy language and assaulted and also criminally intimidated him.

3. This is a second petition for anticipatory bail. This Court, earlier, by order 29.09.2020 granted anticipatory bail to the petitioner. However, the petitioners did not chose to surrender and furnish sureties within the time frame as directed by this court. When a miscellaneous petition was moved by the petitioners belatedly seeking amendment in respect of the name of and place of the court to whose satisfaction surety bonds have to be executed, this court, by order dated 17.02.2021, while dismissing the miscellaneous petition, gave liberty to the petitioner to file a fresh petition for anticipatory bail.

4.The learned Additional Public Prosecutor has no serious objection in allowing the petition.

5. Considering the above facts and situation, 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-I, Attur, Salem District, on executing 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, the petition for anticipatory bail shall stand dismissed 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 petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-

19/03/2021

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.

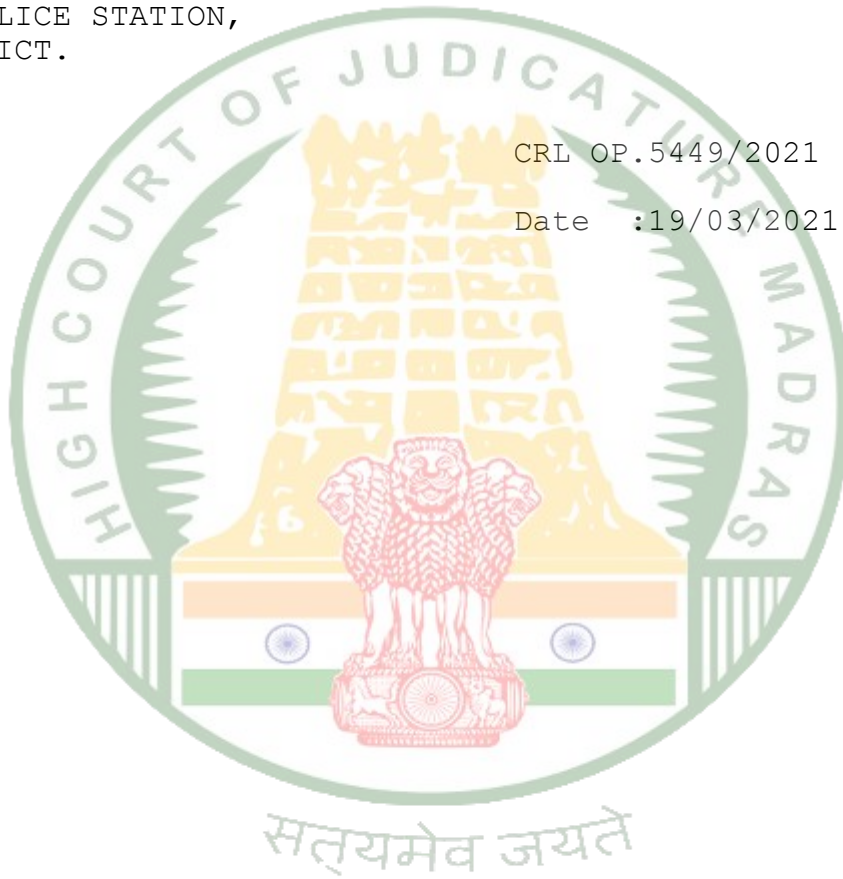
TO

1. THE JUDICIAL MAGISTRATE NO-I,
ATTUR, SALEM DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE (FOR INFORMATION),
SALEM DISTRICT.
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.

CRL OP.5449/2021

Date :19/03/2021

TK/16.04.2021



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