



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

Thursday, the Eighteenth day of March Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.4433 and 4458 of 2021

(*) K.RAJA KANNAPPAN @ RAJA

[PETITIONER / ACCUSED IN
CRL.O.P.No.4433 OF 2021]

1 MUTHU

[PETITIONERS / ACCUSED IN
CRL.O.P.No.4458 OF 2021]

() 2 PRABHAKARAN @ PRABU**

3 KALIDASSKALIMUTHU

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR.
CR.NO.586/2021.respectively

[RESPONDENT IN BOTH PETITIONS]

For Petitioner : M/S.J.KINGSLY SOLOMON Advocate [IN BOTH PETITIONS]

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor
[IN BOTH PETITIONS]

M/S R.MUNIYAPPARAJ Govt. Advocate (Crl. Side)
(IN MP.NO.5855/2021 DATED 07/06/2021)

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.No.4433 of 2021 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 367, 506(ii) of I.P.C, in Crime No.586 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The petitioners in Crl.O.P.No.4458 of 2021 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 367, 506(ii) of I.P.C, in Crime No.586 of 2021, on the file of the respondent police, seek anticipatory bail.



3. Totally there are 7 accused in this case and the petitioner in CrI.O.P.No.4433 of 2021 is A1 and the petitioners in CrI.O.P.No.4458 of 2021 are A2 to A4. The case of the prosecution is that on the date of occurrence, there was a wordy quarrel between the petitioner and the defacto complainant in participating the tender for a Government authorised TASMACH Bar, as a result of which, the petitioners said to have attacked the deceased, thereby caused injury to him. In the said circumstances, a criminal case has been registered against the petitioners.

4.The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are relatives and they were partners in the business and there was some wordy quarrel between them. He would submit that A4 in this case was already arrested and he is not pressing this petition with regard to A4 and he prays for grant of anticipatory bail to other petitioners.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that there is a wordy quarrel between the petitioners and the defacto complainant in participating the tender in Government authorised TASMACH Bar, due to which, the petitioners have attacked the defacto complainant, thereby caused injuries to him. He would submit that the investigation is almost completed and the injured discharged from the hospital. Hence, he opposed to grant of anticipatory bail to the petitioners.

6.Taking into consideration of the fact that A4/third petitioner in CrI.O.P.No.4458 of 2021/Kalidasskalimuthu is concerned he has already been arrested, this petition is dismissed with regard to A4. So far as other petitioners/A1 to A3 are concerned there was a wordy quarrel between the parties in participating the tender in Government authorised TASMACH Bar and the investigation is almost completed and the injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6.Accordingly, the petitioners/A1 to A3 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 No.III, Tiruppur, on condition that the petitioner shall execute 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 this petition for anticipatory bail shall stand dismissed and on further condition that:



[a] the petitioners/A1 to A3 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.

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[b] the petitioners/A1 to A3 shall report before the respondent police daily at 10:30 a.m until further orders.

[d] the petitioners/A1 to A3 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners/A1 to A3 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/A1 to A3 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 229 A IPC.

With the above directions, these Criminal Original petition is ordered.

-sd/-

18/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*) AMENDED AND TIME IS EXTENDED FOR A FURTHER PERIOD OF TWO WEEKS TO COMPLY WITH THE CONDITIONS IMPOSED BY THIS COURT IN CRL.OP.No.4433 OF 2021 DATED 18/03/2021, AS PER ORDER OF THIS COURT DATED 23/04/2021 MADE IN CRL.MP.NO.5068 OF 2021.

() AMENDED AS PER ORDER OF THIS COURT DATED 07/06/2021 MADE IN CRL.MP.NO.5855/2021**



TO

1 THE JUDICIAL MAGISTRATE,
NO.III, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR.

CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary
charges

CRL OP.Nos.4433 and 4458 of 2021

Date :18/03/2021

rvr 30/03/2021

RVR 29/04/2021

RVR 21/06/2021