

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4660 of 2021

1. Rajkumar ... Petitioners  
2. Dharmaraj  
3. Vijayakumari

Vs.

State Rep. by:- ... Respondent  
The Inspector of Police,  
Vaduvoor Police Station,  
Thiruvarur District.  
(Crime No.174 of 2021)

**PRAYER:** Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Cr.No.174 of 2021 on the file of the respondent.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.K.Prabakar,  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

Totally, there are three accused and the petitioners are arrayed as A1 to A3. They apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 427, 448, 352, and 506(ii) of I.P.C. and Section 4 of TNPHW Act, 2002, in Crime No.174 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that there is a previous enmity between the petitioners and defacto complainant's family. Hence, on the date of occurrence, there is a wordy quarrel, in which, the petitioners said to have damaged the fence put up by the defacto complainant and also abused her. Hence, the 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 they are innocent persons and they are no way connected with the offence. He would also submit that they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation is almost completed and the injured was discharged from the hospital. He would submit that there is no bad antecedents against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that, on the date of occurrence, due to a previous enmity, there was a wordy quarrel between the parties, thereby the petitioners have damaged the fence put up by the defacto complainant, nobody was injured in the occurrence and there is no bad antecedents pending against the petitioners, 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 No.I, Mannargudi, Thiruvarur 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, 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, 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 petitioners shall appear before the respondent police as and when required for interrogation ;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 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 229A IPC.

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

-sd/-  
09/03/2021

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.II, MANNARGUDI, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VADUVOOR POLICE STATION,  
THIRUVARUR DISTRICT.

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.4660/2021

Date :09/03/2021

TA-12/03/2021

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