

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4737 of 2021

1.Venkatesan
2.Perumal

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Thirukoilur Police Station,
Villupuram District.
(Crime No. 129 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant an anticipatory bail to the petitioners in the event of their arrest on their appearance before any Court in connection with the case in Crime No.129 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Lakshmipathy

For Respondent : Mr.S.Karthikeyan
APP

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 148, 294 (b), 323, 324 and 307 IPC, in Crime No. 129 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. Totally, there are 5 accused and the petitioners are arrayed as A1 and A4. The case of the prosecution is that all the accused persons and the injured are neighbours. There was a long standing civil dispute between the parties. On the date of occurrence, A1 entered into the field of the defacto complainant with his cattle. When the defacto complainant questioned the same, A1 along with other accused said to have assaulted the defacto complainant and his mother with dangerous weapon and caused serious injuries to them. Hence, the

criminal case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that due to civil dispute quarrel arose between the parties, in which, the defacto complainant and others attacked the petitioners and others and there is a counter case, and prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to civil dispute, A1 along with other accused said to have attacked the defacto complainant and his mother with dangerous weapon and caused serious injuries to them. He would further submit that now injured persons were discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case, the fact that injured were discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

(a) the petitioner is ordered to be released on bail in the event of his arrest or his appearance before the learned Judicial Magistrate, Thirukovilur, on condition that the petitioner 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) the petitioners shall report before the respondent police daily at 10:30 a.m until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

10/03/2021

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,
THIRUKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
VILLUPURAM DISTRICT.

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

WEB COPY

CRL OP.4737/2021

Date :10/03/2021

EP-15/03/2021