

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4968 of 2021

1 ELUMALAI
2 LINGESWARAN ALIAS LINGANATHAN
3 GOVINDAN

[PETITIONERS/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
E-2, THIRUKALUKUNDRAM POLICE STATION,
KANCHEEPURAM DISTRICT NOW AT CHENGALPATTU DISTRICT
(CR.NO.932/2020)

[RESPONDENT]

For Petitioner : M/S.M.SASIKUMAR Advocate

For Respondent : M/S.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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 427, 430, 379 and 506(ii) of I.P.C, in Crime No.932 of 2020, on the file of the respondent police, seek anticipatory bail.

2. Totally there are 4 accused in this case and the petitioners herein are A1,A2 and A4. It is alleged that the all the accused persons said to have illegally taking sand from a lake and the same was questioned by the defacto complainant. Due to which all the accused persons abused the defacto complainant and attacked him with wooden logs and caused injuries to him. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the occurrence have taken place on 20.09.2021 for which the complainant was given on 26.09.2021. He would further submit that both the petitioners and the defacto complainant belongs to same village and due to some previous enmity a false complaint has been given by the defacto complainant. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Public Prosecutor would submit that the petitioners have abused the defacto complainant and also attacked him with wooden logs and caused injuries to him. He would further submit that the injured discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the petitioners and the defacto complainant belongs to same village and the occurrence has taken place due to a previous enmity between them and the injured also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirukalukundram 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 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.

[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 229 A IPC.

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

-sd/-

18/03/2021

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,
THIRUKALUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-2, THIRUKALUKUNDRAM POLICE STATION,
KANCHEEPURAM DISTRICT
NOW AT CHENGALPATTU DISTRICT

CC to M/S.M.SASIKUMAR Advocate on payment of necessary charges
SR.NO. 3693

CRL OP.4968/2021

Date :18/03/2021

rvr 30/03/2021

WEB COPY