

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.5020 of 2021

1 V.VIBULANANDHI [PETITIONERS / ACCUSED]
2 V.PRABHU
3 MANI @ VIVASAYA MANI @ SUBRAMANI

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPUR CITY.
CR.NO.292 OF 2021.

For Petitioner : M/S.J.FRANKLIN 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 :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 294(b), 323, 448 and 506(ii) of I.P.C, in Crime No.292 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are tenants under the defacto complainant and there was a civil dispute between them and the same is pending in O.S.No. 32 of 2021, before the Principal District Judge, Tiruppur. Pending the suit the petitioners attacked the defacto complainant and caused injuries to him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have lodged a complainant against the defacto complainant in Crime.No.229 of 2021, as a counter blast the present complainant has been filed against the petitioners.

4. The learned additional public prosecutor would submit that there was a land lord tenant dispute between the petitioners and the defacto complainant, due to which the petitioners have

attacked the defacto complainant 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.

4.Considering the facts and circumstances of the case and the fact that there is a civil dispute pending between the petitioners and the defacto complainant 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate -I, 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 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,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPUR CITY.

+ 1 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges SR.NO.3607

CRL OP.5020/2021

Date :18/03/2021

TA-29/03/2021

WEB COPY