

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5265 of 2021

1. Murugesan
2. Karthik

... Petitioners

-Vs-

State Represented by
The Inspector of Police,
Aliyar Police Station,
Coimbatore District.
(Crime No.42 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.42 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Selvaraju

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.42 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a family dispute between the 1st petitioner and his brother defacto complainant, as a result of which, there was a wordy quarrel, the petitioners had attacked the de-facto complainant with Aruval and caused injuries. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case, it is civil dispute between brothers, and the occurrence taken place in a wordy quarrel. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there was a family dispute between the 1st petitioner and his brother defacto complainant, as a result of which, there was a wordy quarrel, the petitioners had attacked the de-facto complainant with Aruval and caused injuries. He would further submit that the injured person has been discharged from the hospital. He would further submit that A2 had already been arrested and still in jail and there is no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case, it is a dispute between brothers and the injured person has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain 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 learned Judicial Magistrate No.II, Pollachi, Coimbatore District, on condition that each of the petitioner shall execute a separate 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 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.

[b] the petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] 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/-
16/03/2021

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,
POLLACHI, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S.D.SELVARAJU Advocate on payment of necessary charges SR NO.3636

CRL OP.5265/2021

सत्यमेव जयते Date :16/03/2021

MK:26/03/2021

WEB COPY