

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.5166 of 2021

1. Sairam @ Periyarasu
2. Sivaraman
3. Chandru

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Omerabad Police Station,
Vellore Dt.
(Crime No.08 of 2021)

... Respondent

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 Crime No.08 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.A.Salomi

For Respondent : Mr.S.Karthikeyan
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. The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b) and 307 of I.P.C., in Crime No. 08 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, both the petitioners and the defacto complainant belongs to same village and there is a dispute between them in respect of constructing a temple. Due to the same, on the date of occurrence, there is a wordy quarrel between them, in which, the petitioners said to have attacked the defacto complainant and caused injury. Hence, a criminal case was registered against the petitioners and now apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that, there is a civil dispute regarding the construction of temple between villagers, in which, there is a wordy quarrel between them. He would submit that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and injured was also discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the occurrence taken place due to a wordy quarrel between the petitioners and the defacto complainant. He would submit that the investigation is almost completed and the injured was discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that both the petitioners and the defacto complainant belong to the same village, the occurrence taken place in a wordy quarrel, and the injured was discharged from the hospital, 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, Ambur** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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.

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

-sd/-
23/03/2021

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OOMERABAD POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.A.SALOMI Advocate on payment of necessary charges
SR.NO.3881

CRL OP.5166/2021

Date :23/03/2021

सत्यमेव जयते

TA-30/03/2021

WEB COPY