

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5269 of 2021

1 BALASUBRAMANIAN

[PETITIONERS / ACCUSED]

2 VADIVELU

Vs

STATE REP.BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
VALIVALAM POLICE STATION,
NAGAPATTINAM DISTRICT.

(*)CR.NO.81 OF 2021.

For Petitioner : M/S.N.PALANIVEL Advocate

For Respondent : M/S. K.MADHAN, Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence under Sections **(*)147, 447, 435 of IPC** in **(*)Crime No.81 of 2021** on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant. It is alleged that the petitioners destroyed the bamboo fence put up by the defacto complainant and there was a wordy quarrel between the petitioners and the defacto complainant and it resulted in the petitioners abusing the defacto complainant and attacking him. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel between neighbours and the petitioners abused the defacto complainant in filthy language and attacked him.

5. Considering the facts and circumstances of the case, and the fact that it is only a wordy quarrel between neighbours, 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 - I, Nagapattinam, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

WEB COPY

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

-sd/-
17/03/2021

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.

(*) Amended and Time is extended for a further period of two weeks to comply with the conditions imposed by this Court in Crl.O.P.No.5269 of 2021 dated 17.03.2021, as per Order of this Court dated 23.04.2021 made in Crl.MP.No.4958/2021 in Crl.OP.No.5269/2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VALIVALAM POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges

WEB COPY

CRL OP.5269/2021

Date :17/03/2021

cs 30/03/2021
cs 28/04/2021