

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.5334 of 2021

(*) 1 RAJA

2 VIJAYAKUMAR

3 NANJUNDAN

4 RAVI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.68/2021.

For Petitioner : M/S.MUKUND R. PANDIYAN 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 are A1 to A3 and A5. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323, 324, 506(ii) and 379 of IPC on the file of the respondent police in Crime No.68 of 2021, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives and there was a civil dispute between them. On 07.03.2021, there was a wordy quarrel between the parties with regard to their land and the petitioners have abused the defacto complainant in filthy language and assaulted 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 civil dispute between the petitioners and the defacto complainant, who were relatives and there was a wordy quarrel between the defacto complainant and the petitioners and the petitioner abused the defacto complainant in filthy language and assaulted him. The co-accused was arrested and released on bail.

6. Considering the facts and circumstances of the case, and the fact that due to a civil dispute there was a wordy quarrel between the relatives and co-accused was granted bail, 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 No.2, Krishnagiri, on condition that the petitioners shall execute a 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 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.

7. 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.5334 of 2021 dated 17.03.2021. as per order of this Court dated 29/04/2021 made in CRL.MP.NO.5399 OF 2021. in CRL.O.P.NO.5334 OF 2021.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.MUKUND R. PANDIYAN Advocate on payment of
necessary charges SR.NO.5532

CRL OP.5334/2021

Date :17/03/2021

TA-23/03/2021

TA-03/05/2021