

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5682 of 2021

1 MATHAVAN
2 SURYA
3 SELVAM
4 NAGARAJAN @ NAGU

...PETITIONERS/ACCUSED 1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.244/2021.

... RESPONDENT/COMPLAINANT

For Petitioners : P.KRISHNAMURTHI 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 :-

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) of IPC, in Crime No.244 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant, as a result of which, the petitioners are said to have attacked the defacto complainant and caused injuries. Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He would further submit that earlier the petitioners have given a complaint before the respondent police in

Crime No.243 of 2021 against the defacto complainant and it is a case in counter. He would further submit that the 3rd petitioner had already been arrested and thereafter he was released on bail by the learned Judicial Magistrate, Thiruvapur. Hence, he prays for grant of anticipatory bail to the other petitioners.

4. The learned Additional Public Prosecutor submitted that there is a case in counter case in Crime Nos.243 & 244 of 2021 have been registered by the respondent police. He further submitted that there are no previous cases pending as against the petitioners. He would further submit that the 3rd petitioner had already been arrested and thereafter he was released on bail. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the injured person has been discharged from the hospital and the 3rd petitioner had already been arrested and thereafter he was released on bail, therefore, this Criminal Original Petition is dismissed as against the 3rd petitioner and this Court is inclined to grant anticipatory bail to the other 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, Thiruvapur, on condition that the petitioners 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 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 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/-

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, THIRUVARUR.
- 2.THE CHIEF JUDICIAL MAGISTRATE (FOR INFORMATION),
THIRUVARUR DISTRICT.
- 3.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
- 4.THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR DISTRICT.

CRL OP.5682/2021

Date :23/03/2021

TK/16.04.2021

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