

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5694 of 2021

1 ARUMAISELVAM [PETITIONERS / ACCUSED]

2 VASANTHA KUMAR

3 PAULRAJ @ PAVULRAJ

4 SAGAYARAJ

5 LOURDUMARY SHANTHI @ LURDHUMARY @ SANTHI

6 SAGAYARANI

7 DIVYA

Vs

STATE REP BY [RESPONDENT]

THE INSPECTOR OF POLICE,
PERIYATHATCHUR POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.55/2021

For Petitioner : M/S.N.NARESH Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324, 427, 506(ii) of I.P.C, subsequently 147, 148, 294(b), 323, 324, 427, 307 506(ii) of I.P.C in Crime No. 55 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that both the defacto complainant and the petitioners are relatives and due to some property dispute there was a wordy quarrel between both the parties and both sides attacked each other. Since the defacto complainant sustained injuries, the present complaint has been given by him against the petitioners.

3. The learned counsel for the petitioners would submit that a civil dispute is pending between the parties and the defacto complainant also attacked the petitioners and the petitioners have also filed a complainant against the defacto complainant in Crime No.56 of 2021, as a counter blast the present complaint has been lodged against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned additional public prosecutor appearing for the respondent would submit that the petitioners attacked the defacto complainant and caused injuries to him. He would further submit that the injured discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioners.

7. Considering the facts and circumstances of the case and also of the fact that due to property dispute between the parties, in a wordy quarrel the occurrence has taken place and it is a case in counter, injured also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

8. Accordingly, the petitioners are ordered to be released on bail in their 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 Judicial Magistrate Court No. II at Tindivanam, Villupuram District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
30/03/2021

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 AT TINDIVANAM,
VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERIYATHATCHUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.5694/2021

Date :30/03/2021

cs 21/04/2021