

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Thirty First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5765 of 2021

1 NATARAJ  
2 SAKTHIVEL

[ PETITIONERS / ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
VELANGOUNDAMPATTI POLICE STATION,  
NAMAKKAL DISTRICT.  
CRIME NO.211 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S. W.CAMYLES GANDHI 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 case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 447 & 506(i) of IPC, in Crime No.211 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant. On 16.03.2021, the petitioners along with others had entered into the defacto complainant's land and abused and attacked him and caused injuries. Hence, the complaint.

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 there was a civil dispute between the parties. Earlier, the defacto complainant had entered into the petitioners land and also damaged the crops, which was questioned by the petitioners, the defacto complainant and others had attacked the petitioners and caused injuries and they were admitted in the hospital. He would further submit that the petitioners have given a complaint before the respondent police in Crime No.212 of 2021 against the defacto complainant and it is a case in counter. 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 in Crime Nos.211 & 212 of 2021 have been registered by the respondent police. He further submitted that there are no previous case pending as against the petitioners. 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 that there was a civil dispute between the parties and occurrence take place in a wordy quarrel and the injured person has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-I, Namakkal, 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and 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.

[b] the petitioners shall appear 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
31/03/2021

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.I,  
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VELANGOUNDAMPATTI POLICE STATION,  
NAMAKKAL DISTRICT.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO.4333

CRL OP.5765/2021

MK:15/04/2021

Date :31/03/2021

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