

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7139 of 2021

1 K.BHUVANESWARI
2 KUMUDHINI
3 N.SRINIVASAN

[PETITIONERS / ACCUSED]

Vs

THE STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
THUDIALUR POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.6 OF 2021.

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 448, 294(b), 323, 379 and 506(ii) of I.P.C and Section 3 of TN Open Places (Prevention of Disfigurement) Act, 1959 in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant under the first petitioner and the second and third petitioners who are relatives of the first petitioner are maintaining the properties of the first petitioner. It is alleged there was a tenancy dispute between them, which resulted in wordy quarrel and the petitioners said to have attacked the defacoto complainant and her family members. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was a tenancy dispute between the petitioners and the defacto complainant, which resulted in wordy quarrel and the petitioners said to have attacked the defacoto complainant and her family members. He further submits that there was a tenancy dispute and the defacto complainant have filed a suit for permanent injunction in O.S.No.945 of 2020 before the District Munsif Court, Coimbatore and the same is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that only due to tenancy dispute the occurrence said to have taken place and the defacto complainant have filed a suit for permanent injunction in O.S.No.945 of 2020 before the District Munsif Court, Coimbatore and the same is pending, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Coimbatore 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first and second petitioner shall report before the respondent police as and when required for interrogation; the third petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/04/2021

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, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
THUDIALUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.SARAVANAN Advocate on payment of necessary charges
Sr.4910

CRL OP.7139/2021

Date :17/04/2021

RVR 23/04/2021

सत्यमेव जयते

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