

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7414 of 2021

1 KUMARASAMY @ SELVAKUMARASAMY
2 MANJULADEVI
3 RAMESHKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
COIMBATORE DISTRICT
CR NO.502/2020

For Petitioner : M/S.K.VIJAYARAGAVAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 447, 294(b), 324, and 506(ii) of IPC in Crime No.502 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the petitioners 1 and 2 attempted to steal the coconuts from the defacto complainant's grove, the defacto complainant questioned them and the abused him in filthy language and assaulted the defacto complainant. At that time, the third petitioner came there and he also abused the defacto complainant and said to have assaulted the uncle of the defacto complainant who came in between to prevent the quarrel. thereby, the uncle of the defacto complainant sustained injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the coconut grove of the defacto complainant is next to the agricultural field of the petitioners and there is

already a dispute going on between the petitioners and the defacto complainant since the coconut from the defacto complainant's grove is falling in the field of the petitioners. Regarding the same, there arose a wordy quarrel between them and the defacto complainant assaulted the third petitioner, thereby, the third petitioner sustained injuries and he was admitted in the Pollachi Government Hospital, for which, a counter case is registered against the defacto complainant and another in FIR.No.503 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was a wordy quarrel between the petitioners and the defacto complainant regarding the stolen coconuts in the coconut grove, the petitioners and others said to have assaulted the defacto complainant and his uncle and abused them in filthy language, thereby, the defacto complainant's uncle sustained injuries. He further submits that the injured persons have 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 fact that the injured has since been discharged from the hospital, 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 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.1, Pollachi on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

23/04/2021

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, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
COIMBATORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.VIJAYARAGAVAN Advocate on payment of necessary charges

WEB COPY

CRL OP.7414/2021

Date :23/04/2021

RVR 30/06/2021