

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7475 of 2021

1 THANGARAJ
2 KASINATHAN
3 PONNUVEL
4 PALVEL
5 BHARATH
6 MURUGAN
7 EMAROSE
8 SIVA @ SILAMBARASAN
9 NARENDRAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
T-13 KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.91 OF 2021

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government 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 for the alleged offences under Sections 147, 148, 447, 352, 294(B) & 506(i) of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.91 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners have abused and assaulted the defacto complainant in a wordy quarrel between them with regard to a land dispute.

4. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant belong to the same village. In a wordy quarrel between them with regard to a land dispute, the petitioners have abused the defacto complainant and assaulted him and caused injuries. He further submitted that the injured has been admitted and discharged from the hospital and the petitioners have no previous case against them.

6. Taking into consideration the facts and circumstances of the case and the nature of allegation against the petitioners and also the submissions made by the learned Additional Public Prosecutor that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sriperumandur, within a period of 15 days from the date of receipt of a copy of this order, on their executing 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 and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court 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 and 5.30 p.m., for a period of two weeks and thereafter as when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
22/04/2021

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,
SRIPERUMANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-13 KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
SR.No.5207

CRL OP.7475/2021

Date :22/04/2021

cs 30/04/2021