

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.7597 of 2021

1 MARAKADHAM
2 SENTHIL KUMAR
3 GANESH
4 NAGARAJAN

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP.BY
SUB INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
UDUMALPET TALUK,
TIRUPPUR DISTRICT.
CRIME NO.133 OF 2021

For Petitioner : M/S.N.UMAPATHIE 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 294(b), 323, and 506(i) of IPC. in Crime No.133 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, there was a wordy quarrel between the petitioners and the defacto complainant; the petitioners and others are said to have assaulted the defacto complainant and her sister with hands and abused them in filthy language and thereby, the defacto complainant and her sister 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 submits that the petitioners and the defacto complainant are relatives. Originally, the property belongs to the father of the first petitioner and the same has not been partitioned. The petitioners have requested for partition for their shares, due to which a wordy quarrel arose. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to property dispute there was a wordy quarrel between the petitioners and the defacto complainant, the petitioners and others are said to have assaulted the defacto complainant and her sister with hand and abused them in filthy language and thereby, the defacto complainant and her sister sustained injuries. He further submits there is a case in counter in Crime No.132 of 2021 pending on the file of the respondent police. 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 have been discharged from the hospital and the further fact that there are case and counter case relating to the same dispute and more so the dispute relates to some partition of property, 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.II, Udumalpet 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 petitioners 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.II,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
UDUMALPET TALUK,
TIRUPPUR DISTRICT.

+1CC to M/S.N.UMAPATHIE Advocate on payment of necessary charges SR NO.5241

CRL OP.7597/2021

Date :23/04/2021

MK:28/04/2021

WEB COPY