

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7761 of 2021

1 GANESAN [PETITIONERS / ACCUSED]
2 THANGARAJ

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.350/2021.

For Petitioner : M/S.K.GOVI GANESAN Advocate

For Respondent : M/S.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(ii) of IPC in Cr.No.350 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioner along with other accused persons attacked the defacto complainant and caused injuries. Based on the complaint lodged by the defacto complainant, the law enforcing agency registered a case against the petitioner along with other accused.

3.The learned counsel appearing for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. Due to previous enmity, the defacto complainant has lodged a false complaint against the petitioners and A1 and A2 have already released on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the victim has no external injury and there is no previous case pending as against the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the victim has no injuries and co-accused have already released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, 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, Palladam**, 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:

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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]**; and;

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

-sd/-
26/04/2021

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.K.GОВI GANESAN Advocate on payment of necessary
charges SR.NO.5343

CRL OP.7761/2021

Date :26/04/2021

TA-05/05/2021