

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.7808 of 2021

1 K.MURUGESAN
2 UMAMAHESWARI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT
CR NO. NOT KNOWN OF 2021

[RESPONDENT]

For Petitioner : M/S.J.GANESH Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN, Govt. Advocate (Cr1. 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) and 506(ii) of IPC in Crime No.not known of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are relatives and due to property dispute the petitioners said to have abused and attacked the defacto complainant and caused injuries to him and also threatened her with dire consequences. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would 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 due to the property dispute with the petitioners due to which a false complaint has been lodged by the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Cr1.Side) would submit that the petitioners due to property dispute the petitioners said to

have abused and attacked the defacto complainant and caused injuries to him and also threatened her with dire consequences. He would further submit that the injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that the injured person has 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.I, Thiruvallur District** on condition that the petitioner 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 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 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/-
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 NO.I,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT.

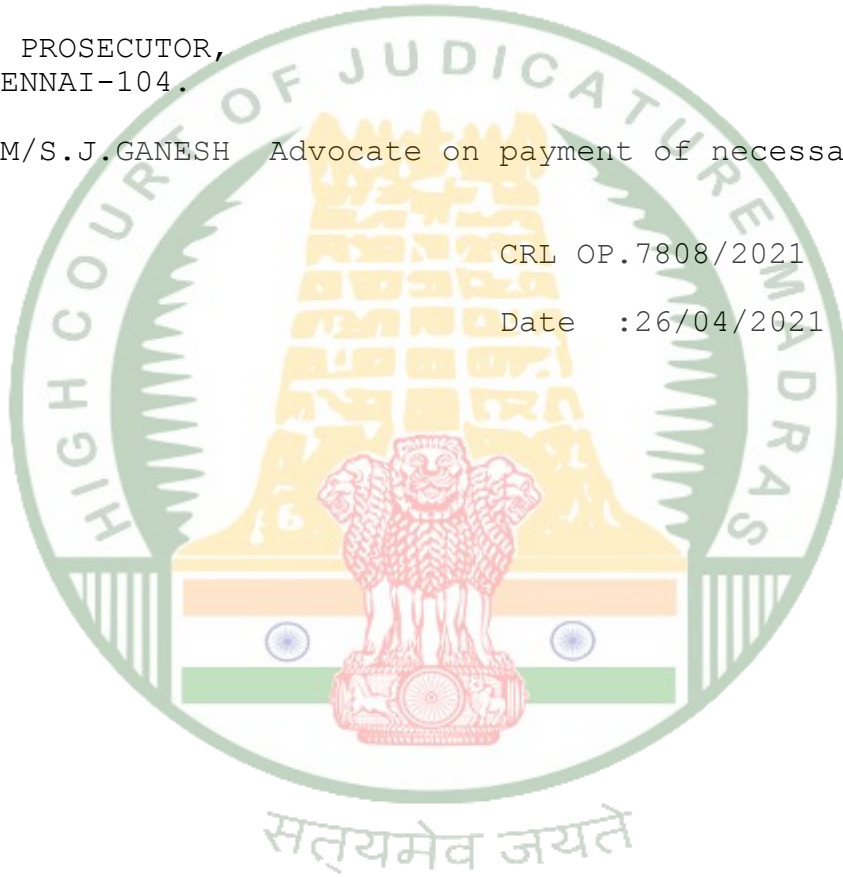
4 THE PUBLIC PROSECUTOR,
HIGH COURT, CHENNAI-104.

+1 CC to M/S.J.GANESH Advocate on payment of necessary charges
SR NO.5291

CRL OP.7808/2021

Date :26/04/2021

rg.05.05.2021



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