

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9140 of 2021

1.SEMBULI @ VARUDHARAJAN
2.MOTTAIYAN
3.KUMAR
4.SANNASHI
5.SELVAM
6.SENGOTTAIYAN
7.SELVAKUMARAN

... Petitioners

Vs.

State represented by
The Inspector of Police
NAMAGIRIPET Police Station
Namakkal District
(Crime No.270 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of the arrest in Crime No.270 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under **Sections 147, 294 (b), 323 and 506(i) of IPC read with Section 34 of IPC in Crime No.270 of 2021** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathosh is that due to previous enmity, on 27.03.2021 the petitioners along with other accused trespassed into the property of the defacto complainant and constructed pathway by using JCB and when it was questioned, the accused abused and attacked the defacto complainant and his father. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused trespassed into the property of the defacto complainant and constructed pathway by using JCB and when it was questioned, the accused abused and attacked the defacto complainant and his father. However, there were no external injuries on the victims. He would further submit that there is a case in counter. However, he would oppose for grant of anticipatory bail.

5. Taking into consideration the above facts and circumstances of the case and also of the fact that there were no external injuries on the victims and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

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 on which the order copy made ready, before the **learned Judicial Magistrate, Rasipuram**, on condition that the petitioners shall execute 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/05/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAGIRIPET POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.6120

CRL OP.9140/2021

सत्यमेव जयते Date :13/05/2021

TA-17/06/2021

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