

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.9083 of 2021

1. K.Selvi ... petitioners/Accused-3, 2
2. K.Shivashanmugavadivel

Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Devangudi Police Station,
Thiruvavarur District.
(Crime No.104 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.104 of 2021 on the file of the Respondent.

For petitioners : Mr.D.Alexis Sudhakar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 341, 353, 506(ii) of IPC in Crime No.104 of 2021 on the file of the respondent police, seek anticipatory bail.

2. Totally there are three accused and the petitioners herein are arrayed as A3 and A2. The case of the prosecution is that while the defacto complainant, who is working as a Village Administrative Officer, was having additional charge of Rishiyur Village, the first accused requested him to issue Chitta and Adangal and also to issue patta illegally for the land, which is not belonged to him, When the de-facto complainant refused to do so, the second accused waylaid the de-facto complainant and assaulted him along with other accused persons using wooden log and thereby he sustained head injuries. Hence, the case came to be registered

3. The learned counsel for the petitioners would submit that when the second petitioner applied for Death Certificate, the de-facto complainant remanded bribe of Rs.350/- and even after receipt of the amount, he refused to issue the Death Certificate and in this regard, wordy quarrel arose between them, as a result of which, a false complaint has been foisted against the petitioners and hence, he seeks for grant of anticipatory bail to them.

4. The learned Government Advocate submitted that the injured has been discharged from hospital.

5. Considering the fact that the injured has been discharged from 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 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, Needamangalam, 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 learned Magistrate concerned and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate 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., for a period of two weeks and thereafter, as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

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

(g) 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
12/05/2021

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,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DEVANGUDI POLICE STATION,
THIRUVAUR DISTRICT.

CC to M/S D.ALEXIS SUDHAKAR Advocate on payment of necessary charges

CRL OP.9083/2021

Date :12/05/2021

TA-02/07/2021

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