

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.9584 of 2021

1. Vijaya, S/o.Annadurai
2. Annadurai, S/o.Krishnan
3. A.Balaji, S/o.Annadurai

all are residing at No.283, Pillayar Kovil Street,
New Karikathur Village, Murugabadi Post,
Polur Taluk, Thiruvannamali District.

... Petitioners

Vs.

State Rep. by The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
Cr.No.293 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.293 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Sundarapandiyan

For Respondent : Mr.A.Damodaran

Government Advocate
(Crl. side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506 (ii) of IPC in Crime No.293 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, in a wordy quarrel, the petitioners have abused and attacked the defacto complainant with wooden log and caused injuries, the defacto complainant lodged the present complaint before the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and that the petitioners have been falsely implicated in this case.

4. The learned Government Advocate would submit that the petitioners attacked the defacto complainant and the injured discharged from the hospital. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate, Polur, on condition that the each of the petitioners shall execute a 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 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 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

26.05.2021

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order
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To

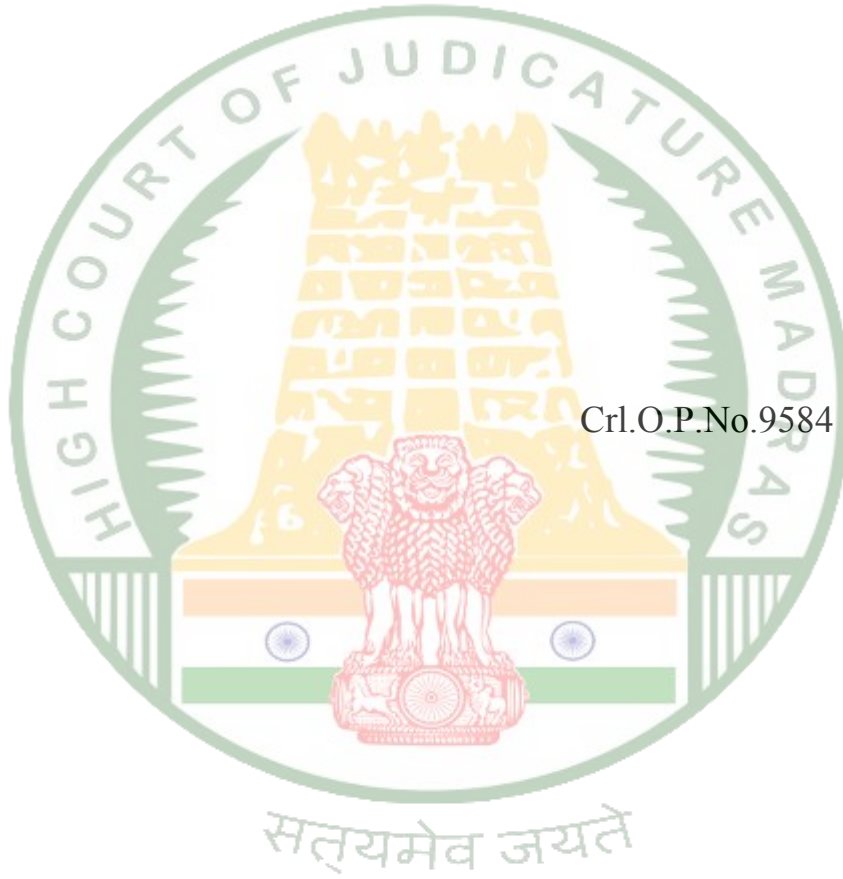
1. The Judicial Magistrate,
Polur.
2. The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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