

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9994 of 2021

1. Palanisamy
2. Govindarajan

... Petitioners

Vs.

State, rep. by
The Inspector of Police,
Gudimangalama Police Station
Thirupur District.
(Crime No.300 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.300 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.E.Sathiyaraj

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

Apprehending arrest for alleged offences punishable under Sections 447, 294(b), 323, 324, 506(2) of 'Indian Penal Code, 1860' ('I.P.C.' for the sake of brevity) vide Crime No.300 of 2021, on the file of Gudumangalama Police Station, Thirupur District, captioned Criminal Original Petition has been filed by Accused Nos.1 and 3 (petitioners 1 and 2 respectively) under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.' for the sake of brevity).

2. Heard Mr.E.Sathiyaraj, learned counsel for petitioners and Mr.A.Gopinath, learned State Counsel on behalf of the respondent.

3. Mr.E.Sathiyaraj, learned counsel for petitioner submits that there is a dispute which is civil in nature between the defacto complainant and petitioners. There was an earlier complaint given by both sides and the dispute pertains to cultivation of certain lands. Learned counsel for petitioners submit that defacto complainant has made a trumped up charge and given a complaint owing to the civil dispute and the same is false. It is also submitted by learned counsel for petitioners that it is the petitioners' first brush with law or in other words, there are no adverse antecedents qua petitioners. It is also submitted by learned counsel for petitioners that injured have since been discharged from hospital.

4. Mr. A.Gopinath, learned State Counsel (on instructions) submits that there is no disputation that there are no adverse antecedents qua petitioners. It is also submitted by State counsel that injured was admitted in hospital on 30.05.2021 and he has since been discharged from hospital on 05.06.2021.

5. In the light of the narrative thus far and the submissions made in the hearing, this Court is inclined to accede to the prayer for anticipatory bail albeit subject to conditions that would be adumbrated elsewhere infra in this order.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate No.II, Udumalaipettai, Thirupur District on condition that 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(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/es either during investigation or trial;

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

(e) if there is breach of any of the aforesaid conditions, the learned jurisdictional 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 petitioner released on bail by the learned jurisdictional Magistrate/Trial Court himself / itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that if the accused/ petitioners thereafter abscond, consequences ingrained in Section 229-A of the Indian Penal Code 1860 will follow wherever applicable.

-sd/-
08/06/2021

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.II, UDUMALAIPETTAI,
THIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIMANGALAMA POLICE STATION,
THIRUPUR DISTRICT.

+1 CC to M/S SATHIYARAJ E. Advocate on payment of necessary charges SR.No.6406

CRL OP.9994/2021

Date :08/06/2021

cs 17/06/2021