

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10106 of 2021

1. Ambiga
2. Selvam

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.318 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in
Crime No.318 of 2021 on the file of the Respondent.

For Petitioners : Mr.C.Deepak Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the offences punishable under Sections 294(b), 323, 324, and 506(ii) of I.P.C., in Crime No. 318 of 2021, and they seek anticipatory bail.

2. The case of the prosecution is that due to a land dispute, the petitioners attacked the defacto complainant by name Selvam and his family members with wood and threatened them with dire consequences. A counter complaint has also been lodged by the petitioners against the defacto complainant herein by name Selvam and his family members and F.I.R. in Crime No.319 of 2021 has been registered by the respondent police for the same offences as is the case in Crime No.318 of 2021.

3. However, the petitioners have pleaded innocence for the commission of alleged offences.

4. The learned Government Advocate (Crl. Side) appearing for the respondent on instructions, would also submit that the defacto complainant, who was earlier injured and was admitted to hospital has been discharged from the hospital.

5. After giving due consideration to the afore mentioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of 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 of lifting of lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Omalur, on condition that the petitioners shall execute separate bonds 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 conditions 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 witnesses 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.

-sd/-
11/06/2021

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 COURT,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.10106/2021

Date :11/06/2021

cs 09/07/2021

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