

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10175 of 2021

1. Kittusamy

2. Lakshmi @ Muthulakshmi

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
(Crime No.300 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 their
arrest by the respondent police concerned in Crime No.300 of 2021 on
the file of the respondent, on such terms and conditions and as this
Hon'ble Court may deem fit.

For Petitioners : Mr.M.N.Balakrishnan

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 447, 294(b), 323, 324, and
506(ii) of IPC, in Crime No. 300 of 2021, and they seek anticipatory
bail.

2. The case of the prosecution is that due to property dispute
between the defacto complainant and the accused, the accused had
abused the defacto complainant and also inflicted blows on him.

3. However, the petitioners pleaded innocence.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the defacto complainant who was earlier injured, has been discharged from the hospital on 05.06.2021.

5. The learned Counsel for the petitioners would also submit that the remaining accused namely A1 and A3 have already been granted anticipatory bail by this Court by order on 08.06.2021 in Crl.O.P.No.9994 of 2021.

6. After giving due Consideration to the aforementioned factors and in view of the fact that the remaining accused have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

7. 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 No.II, Udumalpet, 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 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.

-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 NO.II,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.10175/2021

Date :11/06/2021

cs 09/07/2021

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