

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10156 of 2021

1. Selvaraj
2. Velusamy
3. Krishnan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.
(Crime No.150 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant Anticipatory Bail to the petitioners in the event of
their arrest in Crime No.150 of 2021 on the file of the Respondent
Police, pending investigation.

For Petitioners : Mr.N.Ponraj

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

ORDER

The petitioners who apprehend arrest by the respondent police
for the offences punishable under Sections 294(b), 323, 324 and
506 (ii) I.P.C, in Crime No.150 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioner is the son
of the de facto complainant. The allegation is that the defacto
complainant was assaulted by the petitioners on account of some
property disputes.

3. However, it is the case of the petitioners that they are
innocents and they are not involved in any criminal offence as
alleged by the prosecution.

4. The learned Government Advocate (CrI.side) for the respondent on instructions would submit that excepting for the defacto complainant suffering from minor hand injury, he is otherwise fine now.

5. After giving due consideration to the afore mentioned factors and in view of the fact that the injury sustained by the defacto complainant is minor, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the 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 lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Dharapuram, 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. The petitioners shall not disturb the defacto complainant in the near future.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
10/06/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.10156/2021

Date :10/06/2021

cs 09/07/2021

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