

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10559 of 2021

Sowndharam

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Kangeyam Police Station,
Tiruppur District.

(Cr.No.151 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of her arrest in Crime No.151 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.C.E.Pratap

Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 506(ii) and 379 of IPC in Crime No.151 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that 1st accused and the petitioner herein tried to put up tea stall in their natham lands, the defacto complainant and others questioned them as to why they are going back on their words of putting up constructions after agreeing to so after all getting pattas and the work was stopped. The accused again re-started their work to put up constructions and when the defacto complainant and her husband went there and questioned them and asked them to stop the work, the petitioner herein threw the chilli powder on defacto complainant's husband and the petitioner's husband/first accused attacked the defacto complainant's husband with aruval and the petitioner pushed the defacto complainant and her sacred thali got cut and fell down. Thereby, the defacto complainant and her husband sustained injuries. Hence, the the defacto complainant had made the complaint which led to the registration of a case against the petitioners.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the defacto complainant was the agressor as she and her husband tried to prevent the petitioner and her husband from putting up tea stall in their natham lands. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there was a land dispute between the petitioner and the defacto complainant, due to which, the petitioner and her husband attacked the defacto complainant's husband and the defacto complainant. Thereby, the defacto complainant and her husband sustained injuries. He further submits that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kangeyam, on condition that the petitioner 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
24/06/2021

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,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.GOVIND GANESAN Advocate on payment of necessary charges SR NO.6837

CRL OP.10559/2021

सत्यमेव जयते Date :24/06/2021

MK:09/07/2021

WEB COPY