



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10681 of 2021

WEB COPY

1. N. Kumarasamy
2. K.Podhumani
3. K.Sabapathy
4. P.Vinoth
5. V.Revathi
6. Vijaya

... Petitioners

Vs.

State rep by
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.167 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.167 of 2021 on the file of the respondent police.

For Petitioners : Mr.G.Punniakoti

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 307, 506(ii) IPC r/w Section 4 of Prohibition of Harassment of Women Act in Crime No.167 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant Soundaram is a neighbour of the petitioners/accused. Due to previous enmity and civil dispute, there was a wordy quarrel aroused between them. The petitioner attacked the defacto complainant and also threatened him with dire consequences. Thereby, the defacto complainant sustained injuries. Hence, the defacto complainant has registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submits due to previous enmity and civil dispute between the petitioner and the defacto complainant, the defacto complainant lodged a complaint against the petitioners. He further submitted that the petitioners are no way connected with the alleged occurrence and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that due to previous enmity and civil dispute, the petitioners attacked the defacto complainant and threatened him with dire consequences, thereby, the defacto complainant 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 petitioners.

5.Considering the facts and circumstances of the case and the injured were discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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 receipt of a copy of this order, before the learned Judicial Magistrate No.II, Attur on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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:

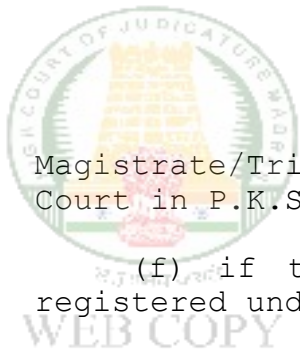
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 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 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]; and;

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

-sd/-
21/06/2021

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,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.10681/2021

Date :21/06/2021

INBA 16/07/2021