



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.11140 of 2021

WEB COPY

1.Jayaseelan
2.Sanniyasi
3.Suresh
4.Narayanan
5.Kaliyamoorthi
6.Narasingamoorthi

... Petitioners/Accused Nos.3 to 8

Vs.

State Rep.by
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi
(Crime No.700 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.700 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.A.Kalaiazhagan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 IPC r/w 4 of TNWH Act, in Crime No.700 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, while playing goli gundu, the petitioners were abused and assaulted the de-facto complainant's father and her brothers with iron vel, as a result of which they sustained injuries. Hence, the law enforcing agency registered a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) would submit that there are eight accused involved in this case and due to previous enmity between the petitioners and the defacto complainant's father, this occurrence took place and while the defacto complainant's father playing goli gundu, at that time the petitioners abused and assaulted the defacto complainant's father and her brothers with iron vel. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl.Side) appearing for the respondent police.

6.Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to 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 receipt of a copy of this order, before the learned Sessions Judge Magalir Neethimandram, Fast Track Mahila Court, Villupuram, on condition that each of 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 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/-
29/06/2021

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 SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
KALLAKURICHI.

CC to M/S.A.KALAI AZHAGAN Advocate on payment of necessary charges

CRL OP.11140/2021

Date :29/06/2021

MK:26/07/2021