

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11046 of 2021

1.Sudha
2.Pazhanisamy

... Petitioners

Vs.

State rep by
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi Taluk,
Kallakurichi District.
(Crime No. 354 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.354 of 2021 on the file of the respondent police.

For Petitioners: Mr.S. Ramajayam

For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.354 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that there was dispute between the petitioners and the defacto complainant with regard to fetching of water from the pump. Due to which the petitioners assaulted the defacto complainant and caused head injury. Hence, the defacto complainant has registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits 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 petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to land dispute, the petitioners attacked the defacto complainant and threatened him with dire consequences, thereby, the defacto complainant sustained head 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 **Judicial Magistrate -I, at Kallakurichi** 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/-

28/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

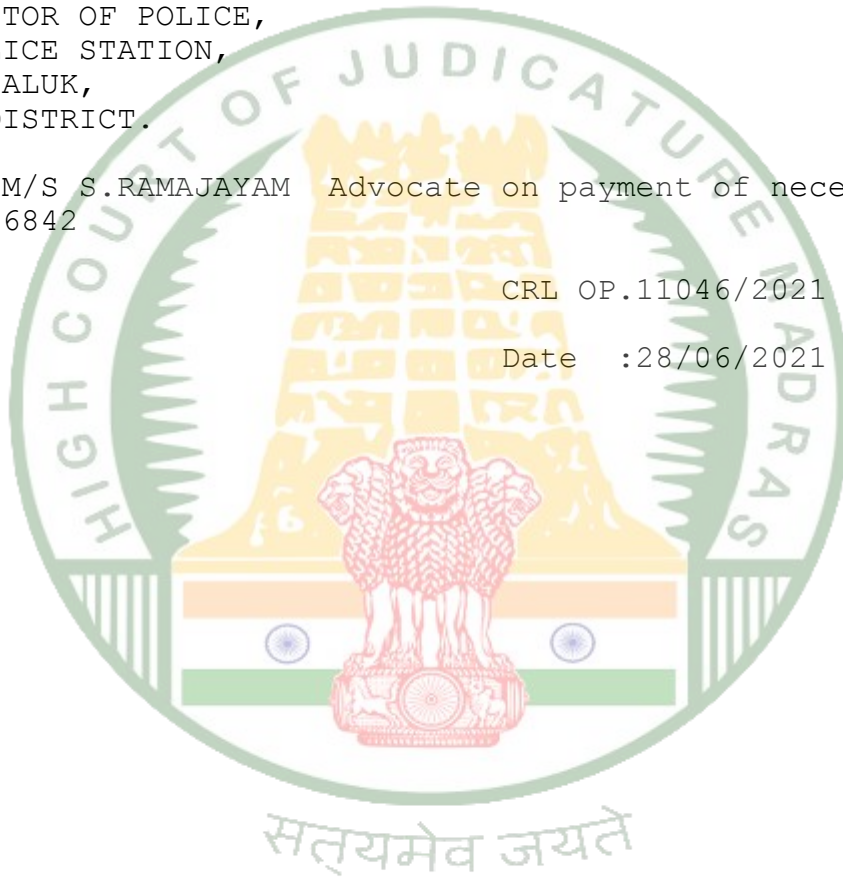
4 THE INSPECTOR OF POLICE,
VARANJARAM POLICE STATION,
KALLAKURUCHI TALUK,
KALLAKURUCHI DISTRICT.

+1 CC to M/S S.RAMAJAYAM Advocate on payment of necessary
charges SR.NO.6842

CRL OP.11046/2021

Date :28/06/2021

TA-09/07/2021



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