



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11303 of 2021

1.P.Thirumalaisamy, ... Petitioners
2.T.Chellathal,
3.T.Rathinasamy,
4.Kumarasamy,

Vs.

The State represented by ... Respondent
The Inspector of Police,
Alangiyam Police Station,
Tirupur District.
(Crime No.53 of 2021)

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.53 of 2021 on the file of the respondent police.

For Petitioners: Mr.N.Stalin

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, 506(ii) IPC in Crime No.53 of 2021 seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant and her daughter had gone to the agricultural field, the petitioners damaged the small road by driving a tractor. When the same was questioned by them, they have indulged in a wordy quarrel and thereafter they have started to attack them. Hence, the defacto complainant has lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that they are innocent and they have been falsely implicated in this case. He would further submit that due to existing pathway dispute between the defacto complainant's family and the petitioners, a false complaint has been lodged against them. He would further submit the petitioners have also lodged a counter case against the defacto complainant's family, which has been registered in Crime No.52 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to pathway dispute, the petitioners had assaulted the defacto



complainant and her daughter. He would further submit that it is a case and case in counter. He further submits that the injured have been discharged from the hospital. However, he vehemently opposed for the 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, Dharapuram 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/-

01/07/2021

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

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
DHARABURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.11303/2021

Date :01/07/2021

INBA 20/07/2021