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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11719 of 2021

1. Elumalai
2. Vinayagam
3. Sekar
4. Munusamy
5. Ramya

... Petitioners

Vs.

The State Represented by :-
The Inspector of Police,
Taluk Police Station,
Thiruvannamalai District.
(Crime No.663 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.663 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.T.Shanmugam

For Respondent : Mr.A.Gopinath
Govt. Advocate (Cr1. side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 307, 323, 324, 341 of IPC read with Section 4 of TNPWH Act in Cr.No.663 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, there was a wordy quarrel between the petitioner along with other accused and the defacto complainant on 21.06.2021 and the petitioner along with other accused persons attacked the defacto complainant and his family members and caused grievous injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the



prosecution and there is case in counter and the co-accused has already released on bail by this Court CrI.OP.No.11725 of 2021 dated 08.07.2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4.The learned Government Advocate (CrI. Side) submits that injured person has been discharged from the hospital.

5. Considering the fact that the injured has been discharged from the hospital and there is a case in counter, 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 Additional Mahila Court, Thiruvannamalai, on condition that the petitioners shall execute individual 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. until further orders;

(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 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 SCW 5560]; and;



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

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-sd/-
15/07/2021

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 ADDITIONAL MAHILA COURT
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.11719/2021

Date :15/07/2021

APN 26/07/2021