

Crl.O.P.No.12218 of 2021

M.DHANDAPANI,J.

The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioners.

2.It is brought to the notice of this Court that some typographical error has been crept in para No.1 of the order dated 15.07.2021 and the same shall be replaced as follows:

"The Petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.515 of 2021, on the file of the respondent police, seek anticipatory bail.

3. All other conditions imposed in the order dated 15.07.2021 shall remain intact except for the above said correction.

4. Registry is directed to carry out the necessary correction in the order dated 15.07.2021 and issue a fresh copy of the order to the learned counsel for the parties.

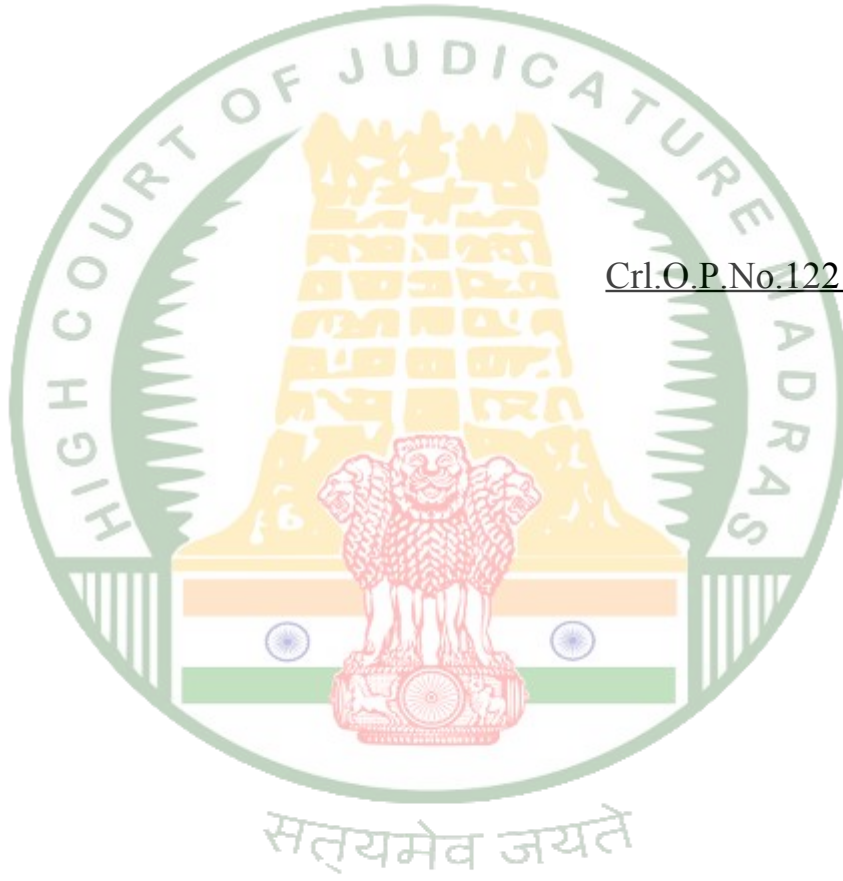
12.08.2021

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Note- Issue order copy on 13.08.2021

M.DHANDAPANI,J.

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Crl.O.P.No.12218 of 2021

12.08.2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12218 of 2021

1.Kuppusamy

2.Dharaneetharan

3.Senthoor

...Petitioners

Versus

State Rep. by
The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.
(Cr.No.515 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.515 of 2021 on the file of the respondent Police.

For Petitioners : Mr.A.Imran Khan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 and 506(ii) IPC in Cr.No.515 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the 1st petitioner's younger brother and they are having previous enmity over partitioning ancestral Properties. While so, on 07.07.2021, when the defacto complainant was in his house, the 2nd respondent started to quarrel with the defacto complainant questioning as if he informed to his neighbour land owners that the 2nd petitioner is the reason for falling down of boundary stone of them. In pursuance to the same, it is alleged that the petitioners abused the defacto complainant and his family and attacked them. Hence this complaint.

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3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, the learned counsel prays

to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the petitioners have not caused any injury to the defacto complainant and there are no previous cases pending against the petitioners.

5. Considering the fact that there is no injury caused by the petitioner and further there is also no previous case against the petitioners, 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 the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 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.

This Criminal Original Petition is ordered accordingly.

15.07.2021

Speaking/Non Speaking order

Index : Yes/No

Internet: Yes/No

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To

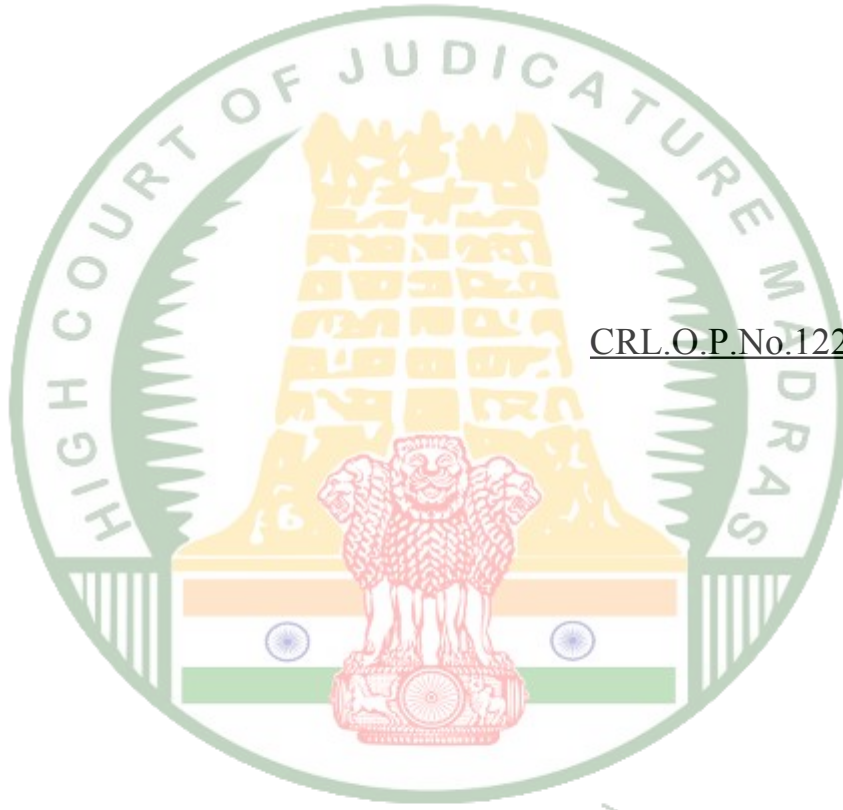
1.The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.

2.The Judicial Magistrate,
Dharapuram.

3. The Public Prosecutor,
High Court, Madras.

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M.DHANDAPANI,J.
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15.07.2021

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