



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12227 of 2021

1.Thangavel
2.Tamil Selvan

...Petitioners

Versus

State Rep. by
The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.
(Cr.No.516 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.516 of 2021 on the file of the respondent Police.

For Petitioners : Mr.N.Ponraj

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.516 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.

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 are also no previous cases 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.

-sd/-

15/07/2021

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

TRUE COPY



1. THE JUDICIAL MAGISTRATE,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. N.PONRAJ Advocate on payment of necessary charges
SR.NO.7445

CRL OP.12227/2021

Date :15/07/2021

INBA 23/07/2021