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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12241 of 2021

1. K.Bagavathi
2. R.Chellamuthu

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.
(Crime No.262 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 by the respondent police concerned in Crime No.262 of 2021 on the file of the respondent.

For Petitioners : Mr.M.N.Balakrishnan

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(i) of IPC in Crime No.262 of 2021 seek anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioners along with A2 and A3 abused the defacto complainant and also intimidated him with dire consequences and also attacked the defacto complainant with wooden rod and one of the accused persons had kicked him with bracelet in his head and another accused person punched the defacto complainant and his brother with hands. Thereby, the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there was a dispute between the defacto complainant and his children and these petitioners intervened them in order to pacify the struggle, due to which, they have roped in the case falsely. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits there was a land dispute between the defacto complainant and the petitioners and other accused persons, due to which, the petitioners have attacked the defacto complainant and his brother, thereby the defacto complainant had sustained injuries. He further submits that the injured has been discharged from the Hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the injured was discharged, this Court is inclined to grant anticipatory bail to the petitioner.

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 Court - II, Pollachi on condition that each of the petitioners shall execute a separate bonds 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 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 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/-
20/07/2021

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 THE JUDICIAL MAGISTRATE,
NO.II, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POLLACHI WEST POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO. 7580

CRL OP.12241/2021

Date :20/07/2021

RW 28/07/2021